

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 24 FEB 1988

APPLICATION NO. 1738/86(F)

Applicant

Shri P.N. Gopalakrishnan

V/s

Respondents

The Director General of Inspection(DGI),
M/o Defence, New Delhi & 46 Ors

To

1. Shri P.N. Gopalakrishnan
No. 8, IV Cross
Annayappa Block
Benson Town Post
Bangalore - 560 046
2. Shri A.C. Rajasekhar
Advocate
No. 82/B, 1st Cross, 12th Main Road
Banashankari I Stage, II Block
Bangalore - 560 050
3. The Director General of Inspection
(DGI/Admin-10)
Govt. of India
Ministry of Defence
DHQ P.O.
New Delhi - 110 011
4. The Controller
Controllerate of Inspection
Electronics (CIL)
Ministry of Defence (DGI)
Post Box No. 606
Bangalore - 560 006
5. Shri K. Ramachandran Nair
Stenographer
Inspectorate of Electronics
DGI Complex, Vikhroli
Bombay - 400 083
6. Shri J.N. Shukla
Steno 'C'
Controllerate of Inspection
General Stores (CIGS)
Ministry of Defence (DGI)
Post Box No. 127
Kanpur (Uttar Pradesh)
7. Shri P.V. Kulkarni
Steno Grade II
Controllerate of Inspection
(Ammunition)
Kirkee, Pune - 411 003
8. Shri S. Balasubramanian
Steno Grade II
Inspectorate of Electronics
Ministry of Defence (DGI)
DGI Complex, Pazhavanthangal PO
Madras - 600 014
9. Shri MCS Pillai
Steno
Controllerate of Inspection
(Ordnance Factory Vehicles)
Vehicle Factory PO
Jabalpur - 482 009 (M.P.)
10. Shri V.T. Bajaj
Steno
Controllerate of Inspection
(Ordnance Factory Vehicles)
Vehicle Factory PO
Jabalpur - 482 009 (M.P.)

11. Shri F.D. D'Mello
Steno
Inspectorate of General Stores
DGI Complex, LBS Marg
Vikhroli, Bombay - 400 082
12. Shri E.K. Sivasankaran
Personal Assistant
Ordnance Factory
Ambarnath - 421 502
13. Shri T. Shankaran
14. Shri P.R. Prebhakaran
(Sl Nos. 13 & 14 - Steno Grade II
Inspectorate of Vehicles
Ministry of Defence (DGI)
DGI Complex, LBS Marg
Vikhroli (W), Bombay - 400 083)
15. Smt D.S. Prabha
Steno
Inspectorate of Vehicles
Hastings, Calcutta - 700 022
(West Bengal)
16. Shri O.V. Suresh Babu
Steno
Inspectorate of Electronics
M.R. Palya
Bangalore - 560 006
17. Shri B. Danam
Steno
Inspectorate of Electronics
DGI Complex, Vikhroli
Bombay - 400 083
18. Shri A. Ravindranathan
Steno
Controllerate of Electronics
(Systems)
156, Gough Lines
Trimulghery P.O.
Secunderabad - 500 015 (A.P.)
19. Smt Mary Kutty B. Chacko
Steno
Controllerate of Inspection
(Vehicles)
Ahmednagar - 414 002
(Maharashtra)
20. Shri M.K. Mathai
Steno
Controllerate of Inspection
(Power Systems)
M.R. Palya P.O.
Bangalore - 560 006
21. Smt K. Chellamma
Steno
Controllerate of Inspection
Electronics (CIL)
P.B. No. 606
Bangalore - 560 006
22. Shri M. Balan
23. Shri K. Karunakaran
24. Smt Saradha Govindarajan
25. Smt Lily George
26. Shri Manseraj
(Sl Nos. 22 to 26 -
Steno Grade II
Controllerate of Inspection
(Special Vehicles)
Dehu Road
Pune - 412 113)
27. Shri J.K. Uppal
Steno
Inspectorate of Electronics
'G' Block, DHQ PO
New Delhi - 110 011
28. Shri D. Anthonyswamy
Steno Grade II
Inspectorate of Military Explosives
Aruvankadu - 643202 (Nilgiris)
Tamil Nadu
29. Shri Ashiq Hussain
Steno
Controllerate of Inspection
(Vehicles)
Ministry of Defence (DGI)
Ahmednagar - 414 002 (Maharashtra)
30. Smt Sunangala Ravindran
Steno Grade II
Controllerate of Inspection
(Military Explosives)
Kirkee, Pune - 411 003

31. Shri B.R. Jangaonkar
Steno
Controllerate of Inspection
(Vehicles)
Ministry of Defence(DGI)
Ahmednagar - 414 002 (Maharashtra)
32. Shri K. Damodaran
Steno
Inspectorate of Vehicles
Ministry of Defence(DGI)
DGI Complex, Meenambakkam East
Madras - 600 114
33. Smt L. Jayalakehmi
Steno
Controllerate of Inspection
Electronics (CIL)
PB No. 606
Bangalore - 560 006
34. Smt Saramma Varghese
Steno
Controllerate of Inspection
(Systems)
156, Gough Lines
Trimulghery PO
Secunderabad - 500 015 (A.P.)
35. Shri K.N. Jayaprakash
Steno
Controllerate of Inspection
(Power Systems)
M.R. Palya PO
Bangalore - 560 006
36. Smt V.R. Pillai
Steno Grade II
Inspectorate of Engineering
Equipment (WZ)
DGI Complex, Vikhroli, LBS Marg
Bombay - 400 083
37. Shri S. Bandopadhyay
Steno
Inspectorate of Armaments
Ministry of Defence(DGI)
Cossipore
Calcutta - 700 002 (W.B.)
38. Shri K.K. Chatterjee
Steno
Controllerate of Inspection(Metals)
PO Ichapur, Nawabganj
24 Parganas (West Bengal)
39. Smt Jaspal Sodhi
Steno
Inspectorate of Vehicles
Ministry of Defence(DGI)
Red Fort, Delhi - 110 006
40. Shri S. Mathai
Steno Grade II
Controllerate of Inspection
(Ammunition)
Kirkee, Pune - 411 003
41. Smt B. Vijayalaxmi
Steno
Controllerate of Inspection
(Heavy Vehicles)
Avadi, Madras - 600 054
42. Shri V. Balasubramanian
Steno
Inspectorate of Vehicles
DGI Complex, Meenambakkam East
Madras - 600 114
43. Shri T. Raghupathi
Steno Grade III
Inspectorate of Electronics
DGI Complex, Pazhavathangal PO
Madras - 600 114
44. Smt Maya R. Nair
Steno
Inspectorate of Electronics
Gun Carriage Factory PO
Jabalpur - 482 011 (M.P.)
45. Shri N.C. Bhattacharya
Steno Grade II
Controllerate of Inspection
(Small Arms)
PO : Ichapur - Nawabganj
24 Paraganas (West Bengal)
46. Miss Alamelu Janakiraman
Steno
Inspectorate of General Stores(SI)
DGI Complex, Nanganallur
Madras - 600 061
47. Shri N. Ramabhadran
Steno
Controllerate of Inspection
(Ordnance Factory Vehicles)
Ordnance Factory PO
Jabalpur - 482 009 (M.P.)

48. Smt O. Vijayalakshmi
Steno
Controllerate of Inspection
(Systems)
156, Gough Lines
Trimulghery PO
Secunderabad - 500 015(A.P.)

49. Shri C.H.K. Murthy
Steno.
Inspectorate of Armaments
MEC Telephone Bhavan
PO Dhurwa, Ranchi - 834 004
(Bihar)

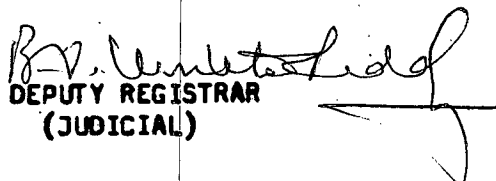
50. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal
in the above said application on 30-1-88.

Encl : As above

d/c.


DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE THIRTEETH DAY OF JANUARY 1988

Present : Hon'ble Justice Shri K.S. Puttaswamy ... Vice-Chairman

Hon'ble Shri L.H.A. Rego ... Member (A)

APPLICATION NO. 1738/86 (F)

P.N. Gopalakrishnan,
Stenographer Gde III,
Controllerate of Inspection Electronics,
Ministry of Defence (DGI),
Post Box No.606,
Bangalore-560 006.
(A.C.Rajasekhar . Advocate)

... Applicant

v.

Director General of Inspection,
(DGI/Admin-10), Govt. of India,
Ministry of Defence (DGI),
DHQ PO New Delhi - 110 001

Controller,
Controllerate of Inspection
Electronics, Govt. of India,
Post Box No.606,
Bangalore-560 006.

K.Ramachandran Nair,
Inspectorate of Electronics,
DGI Complex, Vikhroli,
Bombay-400 083.

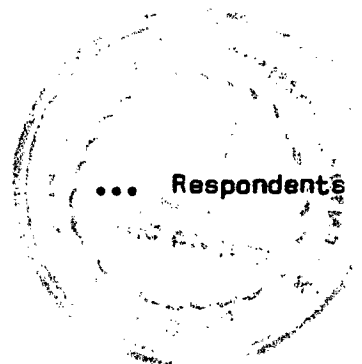
J.N.Shukla,
Controllerate of Inspection
Textiles & Clothing,
PB No.294, Kanpur-208 001

P.V.Kulkarni,
Controllerate of Inspection
(Ammunition), Kirkee, Pune-411003

S.Balasubramanian,
Inspectorate of Electronics,
DGI Complex, Pazhavathangal PO,
Madras- 600 014.

MCS Pillai,
Controllerate of Inspection
(Ordnance Factory Vehicles),
Vehicle Factory PO, Jabalpur-482 009.

... Respondents



VT Bajaj,
Controllerate of Inspection,
(Ordnance Factory Vehicles),
Vehicle Factory PO, Jabalpur-482 009.

F.O. D'Mello,
Inspectorate of General Stores,
DGI Complex, LBS Marg,
Vikroli, Bombay-400 082

1 E.K. Sivasankaran,
Inspectorate of Metals,
Ordnance Estate PO,
Ambernath-421 502.

T.Shankaran, Inspectorate of Vehicles,
 DGI Complex, LBS Marg,
P.R.Prabhakaran Vikroli, Bombay-400 083.

D.S.Prabha,
Inspectorate of Vehicles,
Hastings, Calcutta-700 002.

O.V.Suresh Babu,
Inspectorate of Electronics,
M.R.Palya, Bangalore-560 006.

B. Damam,
Inspectorate of Electronics,
DGI Complex, Vikroli, Bombay-400 083.

A.Ravindranathan,
Controllerate of Inspection Systems,
156, Gough Lines, Trimulghery PO,
Secunderabad-500 015.

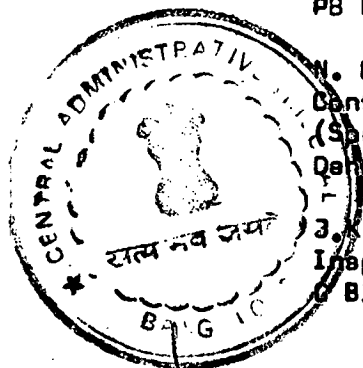
Smt. Mary Kutty B.Chacko,
Controllerate of Inspection (Vehicles),
Ahmednagar-414 002.

M.K.Mathai,
Controllerate of Inspection (Power Systems),
M.R.Palya PO, Bangalore-560 006.

Smt K. Chellamma,
Controllerate of Inspection Electronics,
PB No.606, Bangalore-560 006.

M. Balan,
Controllerate of Inspection
(Special Vehicles),
Daru Road, Pune-412 113.

J.S.Uppal,
Inspectorate of Electronics,
Block, DHQ PO New Delhi-110 011.



Respondents

1 D. Anthonyewamy,
Inspectorate of Military Explosives,
Aruvankadu 643 202 (Nilgiris)

Ashiq Hussain,
Controllerate of Inspection (Vehicles),
Ahmednagar-414 002.

Smt. Sumangela Ravindran,
Controllerate of Inspection,
(Military Explosives),
Kirkee, Pune-411 003.

B.R. Jamgaonkar,
Controllerate of Inspection (Vehicles),
Ahmednagar-414 002.

K. Damodaran,
Inspectorate of Vehicles,
DGI Complex, Meenambakkam East,
Madras-60 01 14.

Smt. L. Jayalakshmi,
Controllerate of Inspection
Electronics,
PB No. 606, Bangalore-560 006.

Smt. Saramma Varghese,
Controllerate of Inspection Systems,
156, Gough Lines,
Trimulghery PO, Secunderabad-500 015.

K.N. Jayaprakash,
Controllerate of Inspection
(Power Systems),
M.R. Palya PO, Bangalore-560 006.

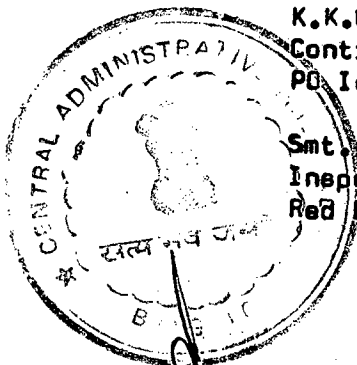
1 Smt. V.R. Pillai,
Inspectorate of Engineering Equipment (WZ),
DGI Complex, Vikroli, Bombay-400 083.

S. Bandopadhyay,
Inspectorate of Armaments,
Cossipore, Calcutta-700 002.

K.K. Chatterjee,
Controllerate of Inspection (Metals),
PO Ichapur, Nawabganj, 24, Paraganas (WB)

Smt. Jaspal Sodhi,
Inspectorate of Vehicles,
Red Fort, N Delhi - 110 006.

... Respondents



S. Mathai,
Controllerate of Inspection
(Ammunition) Kirkee, Pune-411 003

Smt. B. Vijayalakshmi,
Controllerate of Inspection,
(Heavy Vehicles),
Avadi, Madras-600 054

V. Balasubramanian,
Inspectorate of Vehicles,
DGI Complex, Meenambakkam East,
Madras-600 014.

T. Raghupathi,
Inspectorate of Electronics,
DGI Complex, Pazhavathangal PO,
Madras-600 014.

Smt. Maya R. Nair,
Inspectorate of Electronics,
Gun Carriage Factory PO,
Jabalpur-482 011

N.C.Bhattacharya,
Inspectorate of Electronics,
Hastings, Calcutta-700 022.

Miss Alamelu Janakireman,
Inspectorate of General Stores (SI),
DGI Complex, Nanganallur,
Madras-600 061.

N. Ramabhadran,
Controllerate of Inspection
(Ordnance Factory Vehicles),
Vehicle Factory PO,
Jabalpur-482 009.

Smt. C. Vijayalakshmi,
Controllerate of Inspection Systems,
156, Gough Lines,
Trimulghery PO,
Secunderabad 500 015.

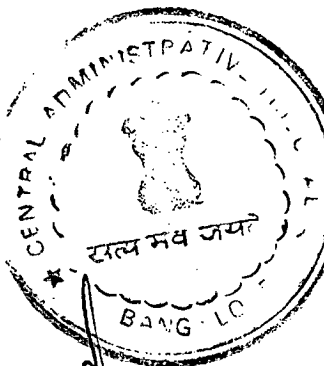
K.Karunakaran	Controllerate of Inspection (Special Vehicle),
Smt. Saradha Govindarajan	Dehu Road,
Smt. Lily George	Pune-412 113

C.H.K. Murthy,
Inspectorate of Armaments,
HEC Telephone Bhavan,
PO Dhurwa, Ranchi-834 004

Hansraj,
Controllerate of Inspection
(Special Vehicle),
Dehu Road, Pune-412 113.

... Respondents

(Shri M.S.Padmarajaiah . Advocate)



This application came up for hearing before this Tribunal today. Hon'ble Vice-Chairman made the following:

O R D E R

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 (the Act).

2. The applicant initially joined service on 24.7.1972 as Civilian Stenographer (CS) which was later classified as Stenographer Grade III in the Army HQ, 4 Corps in lieu of combatant Personal Assistant. On 26.2.1973 (Annexure 4) the competent officer transferred the applicant from Army HQ, 4 Corps, to Inspectorate Engineer, Calcutta. In pursuance of this order, the applicant joined service at the Calcutta office on 1.3.1973 and he was working there from that date.
2. Some time in 1977 the applicant was transferred from Calcutta to the Office of CIL, Bangalore, where he reported for duty on 3.3.1977 and is working there ever since then.
4. In the provisional seniority list prepared by the Directorate General of Inspection (DGI), New Delhi, on 6.3.1979 (Annexure A1) in the cadre of Stenographers, the applicant was assigned rank No.60. On that assignment of rank, the applicant made representations before that authority inter-alia urging that he should be assigned a rank higher over many of his colleagues. In the final seniority list prepared on 31.5.1979, the DGI had assigned him rank No.93. On this assignment also, the applicant made more than one representation reiterating his earlier stand. On



10.11.1986 the DGI had rejected them. Hence this application.

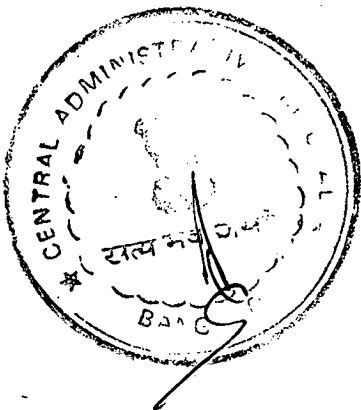
5. The applicant has urged that the services rendered by him from 24.7.1972 to 1.3.1973, should have been reckoned in determining his ranking in the seniority lists.

6. In justification of the rankings assigned to the applicant in provisional and final seniority lists and the order made by the DGI on 10.11.1986 Respondents 1 and 2 have filed their reply. Among others, Respondents 1 and 2 have urged that the service rendered by the applicant from 24.7.1972 to 1.3.1973 in another organisation, was not regular service and was ad-hoc and, therefore, the same had not been counted for seniority.

7. Respondents 3 to 47 many of whom have been personally served and some of whom have not been served but who are deemed to have been served with notices, have all remained absent and are unrepresented.

8. Shri A.C. Rajasekhar, learned counsel for the applicant contends that the service rendered by his client from 24.7.1972 to 1.3.1973, was regular service and that on a true construction of Army Instruction No.241 of 1950 (Annexure B), reiterated by the DGI in letter No.98009/TD-DPC dated 19.11.1968 and CPRD No.11 of 1985 (Annexure C) had to be counted as regular service and cannot be excluded for determining the seniority of the applicant.

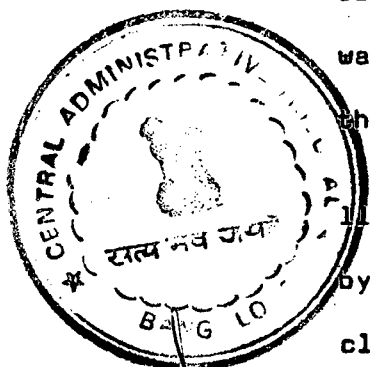
9. Shri M.S. Padmarajaiah, learned senior standing counsel appearing for Respondents 1 and 2 refuting the contention of



Shri Rajaeskhar contends that the service rendered by the applicant in another organisation was not regular service and was ad hoc service and, therefore, the same cannot be reckoned for determining the seniority of the applicant.

10. We have earlier noticed that the applicant who was appointed as CS in lieu of combatant Personal Assistant, was transferred from Army HQ, 4 Corps, to another office of Government called Inspectorate of Engineers, Calcutta. If the applicant had been appointed on an ad hoc basis, as is now claimed by Respondents 1 and 2, then the previous office in which the applicant had been appointed would have normally terminated his services and would not have transferred him from that office to another office of the same Department. As a rule, persons found surplus in one office are transferred or accommodated to another office only when their appointment is found to be regular and their services should not be dispensed with as is generally done in cases of ad hoc appointments. The very fact that the applicant's services were not terminated and he was transferred, even assuming that he was found surplus in the office where he was originally appointed, establishes the claim of the applicant, that his services from 24.7.1972 to 1.3.1973 was not an ad hoc but was a regular appointment and, therefore, that service cannot be denied for counting his seniority also.

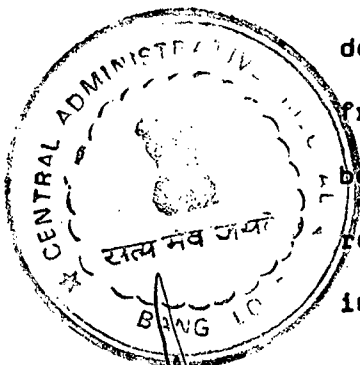
11. An examination of the Army Instructions No.241, reiterated by the DGI in letter dated 19.11.1968 and CPD 11/75 (Annexure C) clearly show that the service of the applicant, from 24.7.1972 to



1.3.1973 cannot also be excluded in determining his seniority. In CPRO No.11 of 1975, care has been taken to safeguard the interests of persons appointed prior to 1.7.1973. Without any doubt the case of the applicant falls within the saving clause of that circular and, therefore, on the terms of that circular and the earlier circulars noticed and relied on by the applicant, the service rendered by him from 24.7.1972 to 1.3.1973 had to be counted for seniority and cannot at all be excluded.

12. But in its order dated 10.11.1986 Government had rejected the claim of the applicant to count his service from 24.7.1972 to 1.3.1973 without reference to the correct legal position noticed by us and the various orders made by it in determining the seniority of officials. We are, therefore, of the view that the said order of Government is clearly illegal and is liable to be quashed. From this it follows we must make a declaration in favour of the applicant that the service rendered by him from 24.7.1972 to 1.3.1973 had to be treated as regular service and has to be counted as continuous service in continuation of the later service from 1.3.1973.

13. In the provisional and final seniority lists, the applicant had been assigned the ranks shown against him taking into consideration the service rendered by him only from 1.3.1973 and not from 24.7.1972 and onwards, which we have now held should also be counted. On this Respondents 1 and 2 have necessarily to reexamine the case of the applicant and assign him a proper rank in the seniority list. When once they assign a fresh rank, they



also have to consider his case for such promotions and other purposes to which he is entitled to on the basis of rankings that will be so assigned to him and make him available all such consequential benefits flowing from the same.

14. In the light of our above discussion we make the following orders and directions:

- (i) We quash order No.A/96768/86/DGI(Adm.10) dated 10.11.1986;
- (ii) We quash the ranks assigned to the applicant in provisional and the final seniority lists (Annexures A-1 and B-1);
- (iii) We declare that the service rendered by the applicant from 24.7.1972 to 1.3.1973 was regular service and the same had to be reckoned for determining his seniority. We direct Respondents 1 and 2 to examine the case of the applicant for assignment of the rank to which he is entitled to on this basis and assign him the rank to which he is legitimately entitled to in the relevant seniority list and extend him all such consequential and monetary benefits to which he is entitled to in accordance with law.



TRUE COPY

15. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-

VICE CHAIRMAN
30.1.1988

Sd/-

MEMBER (A)
30.1.1988

B. Venkatesh
DEPUTY REGISTRAR (JDL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

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