

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 13 JAN 1989

APPLICATION NOS

1775 & 1776

/ 88(F)

W.P. NO.

Applicant(s)

Shri Anantha Murthy & another
To

1. Shri Anantha Murthy

2. Smt R. Gangamma

(Sl Nos. 1 & 2 -

Lower Division Clerks
Office of the Director of Census
Operations in Karnataka
21/1, Mission Road
Bangalore - 560 027)

3. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

Respondent(s)

V/s The Director, Census Operations in Karnataka,
Bangalore

4. The Director
Census Operations in Karnataka
21/1, Mission Road
Bangalore - 560 027

5. Shri M. Vasudeva Rao
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 ~~STAY~~ ~~INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 6-1-89.

DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 6TH DAY OF JANUARY, 1989

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

Hon'ble Sri P. Srinivasan

Member (A)

APPLICATION Nos. 1775 & 1776/88.

1. Anantha Murthy,
W/a Lower Division Clerk,
O/o the Director,
Census of Operation in Karnataka,
Bangalore.

2. Smt. R. Gangamma,
W/a Lower Division Clerk,
Office of the Director,
Census Operation in Karnataka,
Bangalore.

... Applicants

(Dr. M. S. Nagaraja

... Advocate)

vs.

The Director,
Census Operation in Karnataka,
21/1, Mission Road,
Bangalore - 27.

... Respondent

(Sri M. Vasudeva Rao

... Advocate)

These applications having come up before the Tribunal
today, Hon'ble Member (A) made the following :

ORDER

The two applicants before us are working as Lower
Division Clerks (LDC) in the office of the Director of
Census Operations, Bangalore. Both of them were appointed
as LDCs with effect from 9.10.1980 and their services were
regularised with effect from 1.1.1985. A seniority list
of LDCs as on 1.7.1987 was brought out by the Joint Director



P. Srinivasan

of Census Operations, Karnataka, Bangalore, vide his office memorandum dated 17.8.1988. In the seniority list, the first applicant appears at Serial No.9 and the second applicant at Serial No.4 and this position of seniority is based on the date from which they were regularised. In these applications, their prayer is that the seniority list be quashed and the respondents be directed to re-draw the seniority list reckoning the seniority of the applicants from the date they were given ad hoc appointment and not from the date they were regularly appointed.

2. Dr.M.S.Nagaraja, learned counsel for the applicants, submitted that what the applicants want is that the date of regular appointment in their cases be shown as 9.10.1980 and not 1.1.1985 in view of a long line of decisions holding that when ad hoc service is followed by regularisation, the regularisation should take effect from the commencement of ad hoc service. He, however, admits that this will not affect the relative seniority of the applicants vis-a-vis those senior to them in the said seniority list.

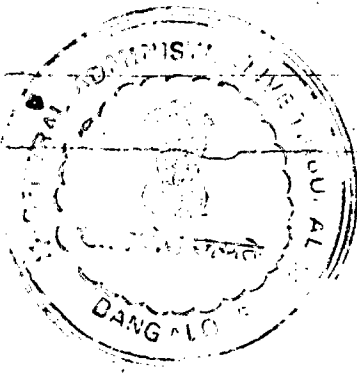
3. Sri M.Vasudeva Rao, learned counsel for the respondents, submitted that a similar application involving the same issue was dismissed by us in applications No.1758 to 1765/88, M.N.Muralidhar and others vs Director of Census Operations, Bangalore. He submitted that following the principle of that decision, these applications deserved to be dismissed.

4. Having considered the rival contentions carefully, we are of the view that these applications deserve to be dismissed. The decisions rendered by the Supreme Court on

P. S. 49

which Dr. Nagaraja relies were rendered in the context of determining relative seniority of persons in a cadre. In this case, neither of the applicants wants his position of seniority altered. Their only apprehension is that the service rendered by them prior to the date of their regularisation may not be counted for determining eligibility for promotion to higher posts. Thus, the various decisions cited on behalf of the applicants have really no bearing on the facts of these cases. As we have pointed out in Murlidhar's case, if the applicants are denied promotion to higher posts ignoring the service rendered by them before regularisation, then they would have a cause of action which they could, if so deemed fit, agitate at the appropriate time.

5. In view of the above, both the applications are dismissed leaving the parties to bear their own costs.



sd/-
VICE CHAIRMAN

sd/-
MEMBER (A)

6/11/21

an.

TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL) 13/11
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE