

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 23 DEC 1994

APPLICATION NO: 765 of 1994.

APPLICANTS:- Sri.D.Srinivasan,

V/S.

RESPONDENTS:- The Executive Engineer(Elect),
Telecom Elec.Division, Bangalore and others.,

To

1. Dr.M.S.Nagaraja, Advocate, No.11, Second Floor,
First Cross, Sujatha Complex, Gandhinagar,
Bangalore-560009.
2. Sri.G.Shanthappa, Additional Central
Govt.Standing Counsel, High Court Bldg,
Bangalore-560 001.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 09-12-1994.

Issued on
23/12/94


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NO.765/94

FRIDAY, THE NINTH DAY OF DECEMBER, 1994

SHRI V.RAMAKRISHNAN.

...MEMBER (A)

SHRI A.K.VUJJANARADHYA.

...MEMBER (J)

Sri.L. Srinivasan,
Aged 48 years,
S/o Sri S.L.Narasimhan,
E/F/9, P&T Quarters,
Kaval Byrasandra,
Bangalore-560 032.

...Applicant

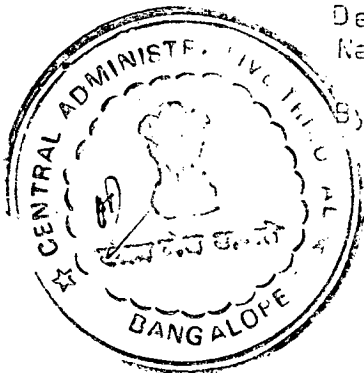
By Advocate Dr. M.S.Nagaraja

Versus

1. The Executive Engineer(Elect),
Telecom Elec. Division,
Bangalore-560 009.
2. The Chief General Manager,
Telecom Karnataka Division,
Bangalore-560 008.
3. The Director General
Telecommunications,
Department of Telecommunications,
New Delhi.
4. Union of India,
represented by
Secretary to Government,
Government of India,
Department of Telecommunications,
New Delhi.

...Respondents

By Shri G.Shantappa, A.C.B.S.C.



.....2/-

O R D E R

Shri V. Ramakrishnan, Member (A)

The applicant, who is an Asst. Engineer (Elect.) in the Telecom department has approached us with a prayer that the adhoc service rendered by him at the level of (AE(Elec)) from 1978 onwards should be reckoned for the purpose of determining his seniority, as has been done in the case of few other officers in the same grade.

2. The applicant was appointed as Section Officer (Elect.) subsequently redesignated as J.L.(Elec.) in 1973. He was promoted on adhoc basis to the next higher level of AE by an order dated 17.11.1978 as at Annexure A2. He was appointed on regular basis to the post of AE Group 'B' gazetted u.s.f. 19.7.1989 as per order dated 24.7.89 as at Annexure A3. It is not in dispute that from the time of his initial appointment on an adhoc basis by the order dated 17.11.78 as at Annexure A2 till his appointment on regular basis in 1989, the applicant rendered ~~und~~ interrupted service as A.E.

3. Shri Shantappa for the respondent submits that the application is hit by delay as the seniority list challenged by the applicant in this application is published in 1987. Dr. Nagaraja disputes this contention and says that the applicant has made it clear that he is challenging the seniority list published on 3.1.85, which is different from the earlier seniority list in as much as it upgraded more than 20 officers over and above what was directed in the judgement of the Calcutta Bench of the Tribunal. In view of the position brought

out by Dr. Nagaraja, the application is not barred by limitation.

4. We find that the issue of counting adhoc service in such cases has a chequered history and different Benches of this Tribunal have given various rulings. In view of the conflicting judgements, the Hyderabad Bench of the Tribunal while considering O.A. 789/87, by its order dated 25.1.94 referred the matter to a Full Bench. The Full Bench had gone into the question and by its judgement dated 26.10.94 has observed as follows in para 7:-

" The applicant asserts that as an Assistant Engineer, he was senior to Sh. A.P.Vithal Prasad. Obviously, the OM dated 3.2.1993 has created an anomalous situation by redetermining the seniority of 25 other officers in order to give effect to the judgement of the Calcutta Bench which had admittedly restricted the benefit of its judgement to applicant Nos.1,2, & 5 before it. We, therefore, direct the Director General, Telecom Department, New Delhi, respondent No.1 to examine the matter and frame a comprehensive scheme so that the other affected officers, including the applicant may be put on par with the aforementioned 25 officers. The Director General shall act expeditiously and preferably within a period of three months from the date of receipt of a certified copy of this order."

5. In view of this direction of the Full Bench, the department has initiated action to frame a comprehensive scheme as directed therein. All that we do at this stage is to direct the department to apply whatever principles they evolve while preparing the comprehensive scheme, on the ~~basis~~ ^{issue} of adhoc service rendered for the purpose of reckoning seniority to the applicant also.

6. With the above observation the application is finally disposed of. No costs.

TRUE COPY
Secretary
Central Administrative Tribunal
Bangalore Bench
Bangalore
Sd/-
VUDDANARADHYA
MEMBER (J)

Sd/-
(V. RAMAKRISHNAN)
MEMBER (A)