

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 266/95

Date of Decision: 12.1.1998

Dr.D.M.Dumralia.

Applicant.

Shri R.S.Mohite

Advocate for
Applicant.

Versus

Union of Territory of Dadra & Nagar Haveli. & Anr.
Respondent(s)

Shri V.S.Masurkar.

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice-Chairman,

Hon'ble Shri. M.R.Kolhatkar, Member(A).

(1) To be referred to the Reporter or not? *u*

(2) Whether it needs to be circulated to other Benches of the Tribunal? *u*

R.G.Vaidyanatha
(R.G.VAIDYANATHA)
VICE-CHAIRMAN

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 266 / 95.

Monday, this the 12th day of January, 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri M.R.Kolhatkar, Member(A).

Dr.Dharamshi Mohanbhai Dumralia,
Opp. Collector's Bungalow,
Silvassa, Naroli Road,
Silvassa,
Dadra & Nagar Haveli. ... Applicant.

(By Advocate Shri R.S.Mohite)

V/s.

1. The Union Territory of Dadra and Nagar Haveli, through the Administrator, Dadra and Nagar Haveli having his office at Silvassa, Dadra and Nagar Haveli.
2. Union Public Service Commission, through its Secretary, having his office at Dholpur House, Shahjahan Road, New Delhi - 110 001. ... Respondents.

(By Advocate Shri V.S.Masurkar)

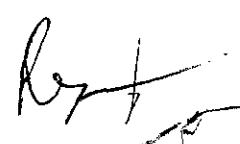
O R D E R

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed by the applicant for regularisation of his service or alternatively for age relaxation. The respondents have filed their reply. We have heard, the learned counsel appearing on both sides.

2. Though originally the application was filed for regularisation of service of the applicant as Veterinary Officer-In-Charge Dairy Demonstration with Daman, Diu and the Administrator of Dadra and Nagar Haveli or for age relaxation, it is brought to our notice that by virtue of interim order passed by this Tribunal, the U.P.S.C. has already considered the case of the applicant, the applicant has already been appointed

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as Veterinary Officer-In-Charge Dairy Demonstration as per order dt. 24.1.1997. Since the appointment is made by the UPSC after advertisement, the question of regularisation of service does not arise for consideration. No doubt the applicant had put in ad-hoc service since 1983, the administration has taken into consideration his previous service and has granted him the benefit of higher pay scale as could be seen from the order dt. 29.3.1997 where the applicant has been fixed in basic salary of Rs.2,750/-.

3. A grievance was also made that in the original appointment order dt. 24.1.1997 there is a mention that the applicant will not earn increment during the period of probation. But, in our view, this grievance will not survive in view of the subsequent order issued by the Administration dt. 29.3.1997 where they have specifically mentioned that the date of next increment is 1.12.1997.

4. Now, the only point of dispute which survives for consideration is about the seniority of the applicant. It appears that the applicant and one Dr. Moon were together appointed as Veterinary Officer-In-Charge Dairy Demonstration. The UPSC has written a letter to the Administrator of Dadra & Nagar Haveli which is dated 30.7.1997 ^{which} has been produced by the learned counsel for the respondents along with M.P. No.591/97 wherein it is stated that the question of interse seniority between the two candidates has not yet been decided and they wanted information about the disposal of this O.A. In other words, the UPSC has not decided the question of seniority between those two candidates in view of this pending O.A.

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5. The U.P.S.C. will have to decide the question of interse seniority between the two candidates selected as per rules. The UPSC may take into consideration, among other things, about the applicant being older than the other candidate. Further the applicant has put in ad-hoc service from 1983 in the same Administration whereas, the other candidate Dr. Moon is a raw recruit. Therefore, these factors may be taken into consideration by the UPSC before arriving at a final decision on the question of interse seniority as per rules.

6. In the result, the O.A. is disposed of subject to the above observations. Subject to this ~~the~~ order be forwarded to the Administrator of Dadra & Nagar Haveli and also to the Secretary, UPSC for information and necessary action according to rules. M.P. 591/97 is also disposed of subject to the above observations.

M.R. Kolhatkar

(M.R. KOLHATKAR)

MEMBER(A)

R.G. Vaidyanatha

(R.G. VAIDYANATHA)

VICE-CHAIRMAN

B.