

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

O.A.No.1080 of 1998

Mumbai this the 2nd Day of December, 2002.

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J).  
Hon'ble Smt.Shanta Shastry, Member (A).

Vana B.Patil,  
Agriculture Assistant,  
Department of Agriculture, (red)  
Administration of Dadra and  
Nagar Haveli,  
Silvassa - 396 230.  
(By Advocate Shri S.P.Inamdar).

...Applicant.

Versus

1. The Administrator of U.T.  
of Dadra and Nagar Haveli,  
Secretariat,  
P.O. Silvassa - 396 230.
2. The Union of India, through  
the Secretary, Ministry of  
Home Affairs,  
Central Secretariat,  
North Block,  
New Delhi.
3. The Collector of  
U.T. of Dadra and  
Nagar Haveli, r Nigam Ltd.,  
Secretariat,  
P.O. Silvassa - 396 230.
4. G.S.Nagde,
5. T.N.Bhusara,
6. J.K.Bhusara,  
All Agriculture Assistants,  
Department of Agriculture,  
P.O. : Silvassa.

...Respondents.

O R D E R

{ Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J) }

The applicant has filed this application to quash  
and set aside the impugned final seniority list dt.  
19.11.1998 and the letter dt. 20.11.1998 rejecting his  
representation against the provisional seniority list.

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He has prayed for a direction to the Respondents to publish a revised seniority list showing him at Sl.No.7 above Private Respondent Nos. 4 to 6 in the seniority list of persons working in the cadre of Agriculture Assistants(AAs) as on 1.1.1997.

2. According to the applicant, he was appointed as AA by order dt. 31.5.1982 on ad hoc basis. Learned Counsel has submitted that the ad-hoc appointment has been made in accordance with the Rules and he was later regularised in the same post by order dt. 31.1.1997. Admittedly, the applicant belongs to the general category and had been given the ad-hoc appointment of AA ~~vide order dt. 31.5.1982~~<sup>18/</sup>, against a reserved vacancy of S.T. vide order dt. 19.6.1982. Learned Counsel for the applicant has contended that since the applicant has been regularised in the same post, he should be entitled to count the ad-hoc service and treated as having been appointed to the post of AA w.e.f. May, 1982, in which case he will be placed senior to the Private Respondents who had joined after him in June, 1982 and October, 1986.

3. The Respondents have controverted the above submissions. We have seen the written statement filed on behalf of Respondent Nos.1 - 3 and heard Shri V.S.Masurkar, Learned Counsel. Learned Counsel has pointed out that the applicant was initially appointed as AA vide order dt. 19.6.1982 on purely ad-hoc basis, which appointment was regularised w.e.f. 14.10.1986 by the Competent Authority. He has submitted that in the order dt. 10.2.1997 itself it has been clearly mentioned that the earlier ad-hoc appointment of the applicant was against a reserved vacancy of ST and he was later considered and regularised in the

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post against the available general category vacancy in the year 1986. He has therefore, submitted that the applicant is not entitled to count the ad-hoc service, as it is not in accordance with the Rules.

4. He has also submitted that in the provisional seniority list published on 1.8.1997 which the applicant is relying upon, he had been placed at Sl.No.7. After taking into account the representations received against that list, the final seniority list has been issued by the Competent Authority on 19.11.1998 in accordance with the relevant Law and Rules. In the circumstances, the Learned Counsel has prayed that the O.A. may be dismissed.

5. We have carefully considered the pleadings and the submissions made by the Learned Counsel for the parties.

6. Having regard to the aforesaid facts and circumstances of the case, particularly that the applicant had been initially appointed on ad-hoc basis as AA vide order dt. <sup>B</sup> 39.5.1982 and regularised in that post against the vacancy available for the general category candidate, to which category admittedly the applicant belongs in the year 1986, the action taken by the Respondents cannot be faulted or held as illegal. The Judgment of the Hon'ble Supreme Court in the case of Direct Recruit Class II Engineering Officers' Association Vs. State of Maharashtra and Others (JT 1990 (2) SC 264) is fully applicable to the facts in this case. In the circumstances, we are unable to agree with the contention<sup>S</sup>of the Learned Counsel for the applicant that the

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ad-hoc service of the applicant in the post of AA should be counted for the purpose <sup>of</sup> seniority, as he has not been appointed in that post in 1982 in accordance with the Rules.

7. In the result, for the reasons given above, we find no merit in the application, the application fails and is dismissed. No order as to costs.

*Shanta 9-*

( Smt. Shanta Shastry )  
Member (A)

*Lakshmi Swaminathan*

( Smt. Lakshmi Swaminathan )  
Vice Chairman.

B.