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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1072/91.

Date of Judgement 21.1.1993

V.Venkata Rao .. Applicant

Vs.

1. The Flag Officer
Commanding-in-Chief,
Eastern Naval Command,
Naval Base,
Visakhapatnam.

2. The Admiral Supdt.,
Naval Dock Yard,
Visakhapatnam.

.. Respondents

Counsel for the Applicant : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri N.V.Ramana, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

{ Judgement as per Hon'ble Shri R.Balasubramanian, Member(A) }

This application is filed by Shri V.Venkata Rao against the Flag Officer Commanding-in-Chief, Eastern Naval Command, Naval Base, Visakhapatnam under section 19 of the Administrative Tribunals Act, 1985 with a prayer to direct the respondents to count adhoc service of UDC followed by regular promotion for the purpose of seniority and other benefits.

2. The Bench noticed that the case was not prosecuted with diligence and even at the admission stage itself rejected the case for default on 29.7.92. However, the applicant filed M.A.No.933, for restoration and after hearing, the M.A. was allowed. The O.A was thereafter taken up for admission hearing. We have heard Shri P.B.Vijaya Kumar, learned counsel for the applicant on 2.9.92 and subsequently today we have heard Shri N.V.Ramana, learned counsel for the respondents also.

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To

1. The Flag Officer,
Commanding-in-Chief,
Eastern Naval Command,
Naval Base, visakhapatnam.
2. The Admiral Superintendent,
Naval Dock Yard, Visakhapatnam.
3. One copy to Mr.P.B.Vijaya Kumar, Advocate, 1-8-7/13
Chikkadapally, Hyderabad.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One spare copy.

pvm

2-11-83

3. The applicant who was an LDC was promoted as UDC on adhoc basis w.e.f. 1.11.81. Subsequently he was appointed regularly as UDC w.e.f. 1.10.82. It is the case of the applicant that his adhoc service as UDC should also count for the purpose of seniority.

4. The respondents have filed a counter opposing the admission. It is their case that in accordance with the recruitment rule and the panel prepared by the D.P.C. his turn for regular appointment could come only as on 1.10.82 and hence his services for the purpose of seniority could be counted only from 1.10.82.

5. It is ~~is~~ now established law (AIR 1991 SC 284) that any adhoc service not in accordance with the recruitment rule should not count for the purpose of seniority. With this law in view, we have today examined the DPC record pertaining to the promotion of the applicant. Pursuant to the DPC recommendations, a panel for promotion to the post of UDCs was circulated on 2.5.81. In the list of 45 names the applicant figured at Serial 41. On 8.5.81, 30 persons ^(including a few not in this list) were regularly appointed and another 14 persons were promoted as UDCs on adhoc basis. The applicant's name did not figure in this list because of his low position in the panel. The respondents could find enough vacancies to appoint him on a regular basis only vide their order dt. 1.10.82 by which he, alongwith 20 persons above him in the panel, was appointed on a regular basis w.e.f. 1.10.82. It is thus clear that he could be appointed regularly in accordance with the recruitment rules and the approved panel only from 1.10.82. We have, therefore, no hesitation in rejecting the case at the admission stage itself and accordingly reject the application with no order as to cost

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R. Balasubramanian
(R. Balasubramanian)
Member(A).

C. J. Roy
(C. J. Roy)
Member(J).

Dated: 21st January, 1993.

[Signature] 82/1/1993
Deputy Registrar (J)

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