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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 193 of 1995

DATE OF ORDER: 27th October, 1997

BETWEEN:

T.RADHAKRISHNA MURTHY

.. APPLICANT

AND

1. The Director General (Works),
Central P.W.D., Nirman Bhavan,
New Delhi 110011,
2. The Chief Engineer, South Zone-II,
CPWD, Posnet Bhavan, Tilak Road,
Hyderabad 500001,
3. The Superintending Engineer,
Hyderabad Central Circle, CPWD,
Nirman Bhavan, Sultan Bazar,
Hyderabad 500195,
4. The Executive Engineer,
Hyderabad Central Division No.II,
CPWD, GPOA, Sultan Bazar,
Hyderabad 500195,
5. The Superintending Engineer (Coordination),
Madras Central Circle, CPWD,
140, Marshalls Road, Egmore,
Madras 600 008.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.P.B.VIJAYA KUMAR

COUNSEL FOR THE RESPONDENTS: Mr.NR DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER(ADMN.))

Heard Mr.Koteswara Rao for Mr.P.B.Vijaya Kumar,
learned counsel for the applicant and Mr.W.Satyanarayana
for Mr.N.R.Devaraj, learned standing counsel for the
respondents.

2. The applicant in this OA joined as Chowkidar on 11.9.67. Later he was promoted as Lower Division Clerk on 1.1.80 on adhoc basis. Later he was regularised with effect from 1.5.89 by the order dated 12.1.90 (Annexure IV at page 10 to the OA). The applicant submits that he should be regularised with effect from the date of his adhoc promotion as LDC i.e., from 1.1.80 and on that basis he should be considered for promotion to the higher post and also considered for the post of Cashier. This OA is filed praying for a direction to R-3 to count his seniority from 1.8.80 in the cadre of LDC with all consequential and attendant benefits.

3. No reply has been filed in this OA.

4. The applicant has been promoted as LDC on adhoc basis with effect from 1.1.80. Nowhere it is stated that he ^{was} is senior most for promotion to the post of LDC when he was promoted on 1.1.80. It is also not stated that he has been promoted in accordance with the Recruitment Rules. Hence the applicant cannot get any relief on the basis of "Direct Recruit Class II Engineering Officers' Association v. State of Maharashtra reported in AIR 1990 SC 1607" for counting the adhoc service when he was regularised in the year 1989. The applicant was regularised with effect from 1.5.89. The applicant relies on OA 1096/94 to state that his case is similar to that case and hence he is entitled for regularisation with effect from the date of his adhoc promotion. Unfortunately, the direction in that OA does not come to the rescue to the applicant as that OA ^{was} has been

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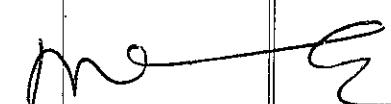
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dismissed. The applicant further states that one of his junior namely Mr.N.Viswamitra has been given seniority with effect from the date of adhoc promotion. The applicant has not stated the full facts of Mr.N.Viswamitra. Hence mere quoting that Mr.Viswamitra, his junior, had been given seniority with effect from the date of adhoc promotion cannot lead to the conclusion that the applicant is also entitled for the same benefit.

5. In view of what is stated above, we find no merit in the OA. Hence the OA is dismissed. No order as to costs.

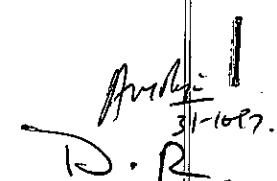

(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)

27-10-97


(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 27th October, 1997
Dictated in the open court.

vsn


31-10-97
D.R.

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OA.193/95

Copy to:-

1. The Director General (Works), Central P.W.D., Nirman Bhavan, New Delhi.
2. The Chief Engineer, South Zone-II. CPWD, Posnet Bhavan, Tilak Road, Hyderabad.
3. The Superintending Engineer, Hyderabad Central Circle, CPWD, Nirman Bhavan, Sultan Bazar, Hyderabad.
4. One Executive Engineer, Hyderabad Central Division No. II, CPWD, GPOA, Sultan Bazar, Hyderabad.
5. The Superintending Engineer (Coordination), Madras Central Circle, CPWD, 140, Marshalls Road, Egmore, Madras.
6. One copy to Mr. P.B. Vijaya Kumar, Advocate, CAT., Hyd.
7. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
8. One copy to D.R. (A), CAT., Hyd.
9. One duplicate.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 22/10/97

ORDER/JUDGMENT

M.A./R.A./C.A. NO.

in
D.A. NO. 193/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

