

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1139/97.

Dt.of Decision : 12-4-99.

D.Suresh

.. Applicant.

Vs

The General Manager,
The India Government Mint,
Mint Compound, Saifabad,
Hyderabad.

.. Respondent.

Counsel for the applicant : Mr.M.Ravindra Nath Reddy

Counsel for the respondent : Mr.B.N.Sharma, Sr.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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

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ORDER

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

Heard Mr.Gopi Kiran Reddy for Mr.M.Ravindranath Reddy, learned counsel for the applicant and Mr.Jacob for Mr.B.N.Sharma, learned counsel for the respondents.

2. The applicant was appointed on compassionate ground under the respondent organisation w.e.f., 15-02-93 as Recorder A.C.III on Industrial Establishment. It is stated that the Workmen of the industrial establishment^{is} governed by the India Government Mint, Hyderabad standing orders and Hyderabad Mint (Industrial Workers) promotion Rules, 1965 in respect of their service conditions and promotions respectively. The probation of the applicant was declared satisfactory by the^{diary} order No.2 dated 12-4-94 (Annexure-1) w.e.f., 15-2-93. Thereafter a statement showing the number of employees considered for confirmation of the DPC meeting to be held on 17-7-96 was circulated by the letter Dated 17-7-96. The name of the applicant is in the Annexure-C enclosures (Page-15 to the OA) and his ~~xxx~~ date of confirmation was recommended as 15-2-94. However, the DPC by its diary order No.28/dated 30-8-96 (Annexure-V at Page-21) had confirmed the applicant w.e.f., 17-07-96 in the post of A.C.III.

3. This OA is filed for a declaration that the diary order No.38 dated 30-8-96 and the departmental promotion committee (workmen) resolution dated 17-7-96 is illegal and arbitrary and further declared that the services of the applicant are deemed to ~~xxxx~~ be confirmed from his initial date of appointment i.e., 15-02-93.

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4. In the OA no specific ground has been mentioned for granting the relief. However we asked the learned counsel for the applicant as to why he desires ~~to~~ the date of confirmation from the date of his joining i.e., 15-02-93 instead of the date given by the organisation in the impugned letter dated 30-8-96. The applicant is unaware of the reasons for asking for such direction.

5. The confirmation is a process by which the temporary/regular staff are confirmed on the basis of the availability of permanent post. It no way disturbs the seniority of the employees and their promotion is determined on the basis of the seniority. The seniority is prepared based on the date of entry into the cadre or on the basis of the position in the DPC proceedings. The applicant could not state anywhere that by confirming him later than the joining affected his promotion or any other service benefits. In the absence of any such submissions there is no need to challenge the confirmation order issued by the impugned letter dated 30-8-96.

6. The above view of ours is confirmed by the respondents themselves in the following para of the reply, which is reproduced below:-

"Even though non-confirmation immediately after completion of probation in no way effects his career in the Mint, the applicant has chosen to approach the Hon'ble Central Administrative Tribunal to further his interest only in respect of the elections to the Co-operative Credit Society of India Government Mint, Hyderabad which is a non-governmental organisation. This matter has already been seized in the forum where election petition is pending."

It appears from the above extracted portion that the applicant wants to use this forum to achieve his ends for getting elected in some Credit Society or other extraneous activities of the department not connected with the service conditions. Hence,

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the applicant wants to take undue advantages of the forum for no purpose. This action of the applicant is ^{Condemnable} ~~contemnable~~ and for this act the applicant has to pay for it. Hence, we feel that an amount of Rs.1000/- has to be paid by the applicant to the Secretary, A.P.Legal Aid Committee, High Court Campus, High Court, Hyderabad, A.P., within a period of one month from the date of receipt of a copy of this order.

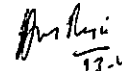
7. The OA is dismissed. The applicant has to pay an amount of Rs.1000/- to the Secretary, A.P.Legal Aid Committee, High Court Campus, High Court, Hyderabad, A.P., within a period of one month from the date of receipt of a copy of this judgement.


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

12.4.99.


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 12th April, 1999.
(Dictated in the Open Court)


13.4.99

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COPY TO:-

1. HONND
2. HHRP M(A)
3. HBSJP M(3)
4. B.R.(A)
5. SPARE

*Secretary
AP Legal Aid Committee,
High Court Campus,
Hyderabad*

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESWAR :
MEMBER (J)

DATED: 12-4-99

ORDER / JUDGEMENT

MA./R.A./C.P. NO.

IN

C.A. No. 1132/97.

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH

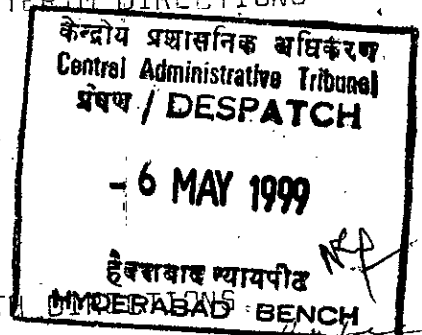
DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

SRR



*Sh. Anand Kumar
No. 1089, to be paid
costs by the
applicant to the
Secretary, AP Legal
aid committee, H.C.
amended rule.*

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