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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 231/99

DATE OF ORDER : 5.1.2000.

Between :-

Dr. Narla Durgesh

...Applicant

And

1. The Union of India, Ministry of Defence, represented by its Secretary to Government, Department of Defence Production & Supply, Central Secretariat, New Delhi.
2. The Ordnance Factory Board, Ministry of Defence, Govt. of India, 10-A, Auckland Rd, Calcutta, rep. by its Chairman & Director General.
3. The Union Public Service Commission, Dhulpur House, New Delhi, rep. by its Secretary.
4. The General Manager, Ordnance Factory Project, M/o Defence, Govt. of India, Eddumailaram, Medak Dist.

...Respondents

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Counsel for the Applicant : Shri P. Kishore Rao

Counsel for the Respondents : Shri B.N. Sarma, Sr. CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R. Rangarajan, Member (A)).

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... 2.



(Order per Hon'ble Shri R.Rangarajan, Member (A)).

Heard Sri P.Naveen Rao for Sri P.Kishore Rao, learned counsel for the applicant and Sri M.C.Jacob for Sri B.N.Sarma, learned Standing Counsel for the Respondents.

2. The applicant in this OA was appointed as a short term Medical Officer in Ordnance Factory, Kamaria, Jabalpur with effect from 5-6-1992 and he continued to discharge his duties till his appointment as Asst. Medical Officer on 8-7-1997.

3. This OA is filed to set aside the impugned order of the regularization dated 8-7-1997 (Annexure-I page-10 to the OA) whereby his appointment is treated as fresh appointment and placed his services on probation and for a consequential direction to the Respondents to treat his services as Asst. Medical Officer retrospectively from the date of his initial appointment with all consequential benefits such as grant of increments, pay fixation and all other benefits flowing therefrom.

4. The applicant submits that similar OAs i.e. OA 1294/88, 707/92 and 763/92 (page-16 Annexure-V to the OA) have been disposed of by the Allahabad Bench of this Tribunal and OAs 499/88, 528/88, 538/88, 543/88, 548/88 and 816/89 were disposed of by the Jabalpur Bench of this Tribunal and similar benefits as prayed for have been given. We have perused the letter dated 19-12-1994. It clearly states that the parties before the Jabalpur and Allahabad Benches were deemed to be in service from the date of their first appointment ignoring the short breaks for the purpose of increments and the breaks shall be treated as leave to which these Medical Officers may be entitled or as Extra ordinary leave without pay, if there is no leave in credit. It is further stated in the subsequent paragraph of that letter that the seniority of these officers will, however, count with effect from the date of their regular appointment as indicated in the annexure i.e. the date they were regularly appointed will decide the seniority amongst the Asst. Medical Officer's of that unit.

5. The only request of the applicant in this OA is that his seniority should be counted right from the date he was appointed as a short term Medical Officer with effect from 5.6.1992.

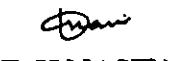
6. When the applicant relies on the judgement of the Jabalpur Bench of the Tribunal referred to above, there is no reason for us to go beyond what is granted to the applicants therein in those OA's. If we have to give an order different from the order given by the Jabalpur Bench, then it is to be referred to the Full Bench. We do not see the necessity for doing so. The Jabalpur Bench has seen the entire issue and gave the direction to count the seniority from the date of the regular absorption. Such an order in our opinion is adequate and reasonable. Hence the applicant should also be given the same relief as given by the Department in the letter dated 19.12.1994.

7. With the above observation, the Original Application is disposed of. No order as to costs.



(R.RANGARAJAN)

MEMBER(A)

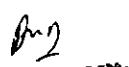


(D.H.NASIR)

VICE-CHAIRMAN

DATED: 5TH January, 2000.

Dictated in Open Court.


10-1-2000

Avl/