

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.21/03

Jabalpur, this the 17th day of September, 2004.

C O R A M: Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.A.K.Bhatnagar, Judicial Member

P.D.Malviya
S/o Shri Nanhe Lal Malviya
Working as Time Keeper
Security Paper Mills
Hoshangabad (MP)

Applicant

(By advocate Shri S.Akhtar on behalf of
of Shri R.C.Shrivastava)

Versus

1. Union of India through
Secretary, Ministry of
Finance, New Delhi.

2. General Manager
Security Paper Mills
Hoshangabad (MP)

Respondents.

(By advocate Shri S.A.Dharmadhikari)

O R D E R

By A.K.Bhatnagar, Judicial Member

By filing this OA, the applicant has claimed the
following reliefs:

- (i) Direct the respondents to treat the long entire period of adhoc appointment of the applicant on the post of Time Keeper for the purpose of his regularisation and he be regularised w.e.f. 17.5.80 on the post of Time Keeper.
- (ii) Direct the respondents to place the applicant in due place of seniority on the post of Time Keeper.
- (iii) Direct the respondents to grant all consequential service benefits such as promotion and seniority, arrears of salary and other benefits after his regularisation w.e.f.17.5.80.

2. The brief facts of the case are that the applicant was initially appointed as a paper boy in the year 1967 in the respondents' establishment. Thereafter, he was selected to the post of writer in 1968. on the basis of his good service record, he was promoted to the post of Time Keeper vide order dated 17.5.80 on adhoc basis (Annexure A1) and since then he has been working as Time Keeper on adhoc basis. Subsequently, his adhoc appoint-

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ment was cancelled vide order dated 11.4.91 (Annexure A2) and thereafter he was appointed as Assistant Canteen Supervisor on adhoc basis vide order dated 11.4.91 (Annexure A3). Again the respondents cancelled the appointment of the applicant as Assistant Canteen Supervisor vide order dated 18.4.91 (Annexure A4). Vide ~~another order of~~ the same date, the respondents cancelled Annexure A2 order dated 11.4.91 and restored the appointment of the applicant on the post of Time Keeper on adhoc basis (Annexure A5). Vide order dated 28.11.92 the post of applicant was upgraded on the basis of NPC report (Annexure A6) and by order dated 24.8.96, the applicant was appointed/posted on regular basis as Time Keeper w.e.f. 21.10.1992 (Annexure A7). The applicant made a representation dated 16.9.96 to the respondents for regularisation of his services on the post of Time Keeper on adhoc basis for a long period and granting him seniority w.e.f.17.5.80 (Annexure A8). The Security Paper Mills Employees' Union also made a representation dated 16.9.96 for granting the applicant his due seniority and regularisation w.e.f.17.5.80 on the post of Time Keeper (Annexure A9). It is also claimed that the applicant was appointed on the post of Chief Time Keeper w.e.f.18.12.2000 and thereafter vide order dated 24.10.02, the adhoc promotion given on the post of Chief Time Keeper was withdrawn. (Annexure A10). The grievance of the applicant is that the department is not considering the period of his adhoc service for the purpose of seniority on the ground that his services were regularised on the post of Time Keeper w.e.f.21.10.92. Hence he has filed this OA.

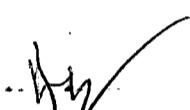
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Hoshangabad. The recommendations of the NPC, as accepted by the Govt. were implemented w.e.f. 21.10.92 after entering into a tripartite agreement with the recognised Union, under the Industrial Disputes Act, 1947. The NPC had recommended creation of certain new "posts" and "upgradation" of certain existing "posts" in all cadres viz. Group A, B, C and D and unclassified industrial and re-designation of almost all posts. The date 21.10.92 is the date agreed upon in the settlement of implementation of the report and employees appointed against the upgraded posts were regularised from the same date i.e. 21.10.92. The learned counsel further submitted that the applicant was appointed by order dated 17.5.80 purely on adhoc basis w.e.f. 17.5.80 to 20.10.92 or till the post was filled up on regular basis whichever was earlier, as there was no post of regular Time Keeper existing in the department then and the applicant was regularised only from the date which was agreed upon in the settlement with the recognised union. The service of the applicant was regularised w.e.f. 21.10.92 by order dated 24.8.96. So no illegality was committed by the department in not considering his seniority w.e.f. 17.5.80.

5. We have heard the learned counsel for the parties and perused the records. It is an admitted fact that the applicant was working as Time Keeper from 1980 to 1992 on adhoc basis, as Assistant Canteen Supervisor on adhoc basis and he also held the post of Chief Time Keeper on adhoc basis for some period. It is also an admitted fact that the post of Time Keeper was upgraded w.e.f. 21.10.92 as per the settlement with the employees' union and thereafter the services of the employees appointed against the upgraded post were regularised w.e.f. the same date i.e. 21.10.92. Even if the arguments of the learned counsel for the respondents regarding the maintainability of the OA on the ground of limitation

are ignored, we find force in the arguments of the respondents' counsel that no illegality whatsoever has been committed by the respondents in considering the seniority of the applicant from 21.10.92 when the post was regularised as per the recommendations of the NPC and the tripartite agreement in which the employees' union was also a party.

6. In view of the aforesaid discussion, we find no merit in this OA and the OA is liable to be dismissed. Accordingly, the OA is dismissed. No costs.


(A.K. Bhatnagar)
Judicial Member


(M.P. Singh)
Vice Chairman

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प्रृष्ठांकन सं. ओ/व्या.....जबलपुर, दि.....
प्रतिलिपि अयो दिवत:-

- (1) राधिका, उच्च व्यापारिय वाह एसोसिएशन, जबलपुर
- (2) आकेशक श्री/प्रियती/द्वा.....के काउंसल
- (3) प्रसारी श्री/प्री-की/द्वा.....के काउंसल
- (4) व्यापार, व्यापार, जबलपुर काउंसल

सूचना एवं आवश्यक कार्यवाही हेतु

R C Shinde/Anu
S H Dhermal/Min

उप सचिव

Issued
On 21-9-04
By