

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 219/2005

Date of order: 29.1.2010

CORAM:

**HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER
HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER**

1. Surajpal S/o late Shri Mishri Lal, aged about 47 years, at present working as U.D.C. (Selection Grade Scale Rs. 5000-8000), office of Regional Provident Fund Commissioner, Rajasthan, Jaipur, R/o Near Ravi Kirana Store, Kumawat Colony, Jhotwara, Jaipur.
2. Nenu Ram Meena S/o Shri Bheru Ram Meena, aged about 44 years, at present working as Assistant Scale Rs. 5000-8000, office of Regional Provident Fund Commissioner, Rajasthan, Jaipur, R/o A-15, Prem Colony, Surya Nagar, Taron Ki Khunt, Tonk Road, Jaipur.

...Applicant.

Mr. P.V. Calla, counsel for the applicants.

VERSUS

1. The Union of India through Central Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 14 Bhikaji Cama Palace, New Delhi - 110066.
2. The Regional Provident Fund Commissioner-I, Regional Office, Nidhi Bhawan, Jyoti Nagar, Jaipur - 302005.

... Respondents.

Mr. Amit Mathur, proxy counsel for
Mr. R.B. Mathur, counsel for respondents.

ORDER


(Per Hon'ble Dr. K.S. Sugathan, Administrative Member)

The issue involved in this Original Application is the counting of adhoc / stop gap services prior to regular promotion

for the purpose of seniority. The applicants have sought the following relief:

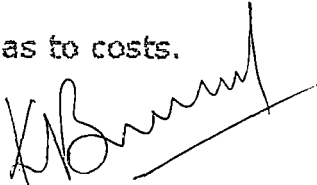
- "(i) the communication dated 20.12.2004 (Annex-A/1) and A/2) being non-speaking orders may kindly be quashed and set aside;
- (ii) further by an appropriate order or direction the respondents may be directed to prepare the seniority list keeping in view the date of regular appointment in respect of senior clerks / UDC by not counting the services rendered by any employee on ad-hoc and as a stop-gap-arrangement. In this view of the matter the impugned seniority list dated 21.12.2004 (Annex A/3) may kindly be ordered to be modified and the names of the applicants may be interpolated at correct place on the basis of the date of regular appointment against departmental examination quota. The seniority position as it was shown in the seniority list dated 17.11.1994.
- (iii) Any other relief to which the applicants is found entitled, in the facts and circumstances of the present case, may also be granted in favour of the applicants.
- (iv) The Original Application may kindly be allowed with costs."


2. In support of the relief claimed by the applicants, it is contended that in the seniority list for Upper Division Clerks (UDCs) issued by the respondents on 21.12.2004 (Annex. A/3), the services rendered on ad hoc / stop gap basis has been taken into consideration for determining the seniority of some Upper Division Clerks (UDCs). The applicants have given the list of six such employees in para 5.3 of the O.A. However, the applicants have not impleaded those employees as respondents in this Original Application. During the course of the arguments, counsel for the applicants stated that as he is pressing for a general principle, he has not impleaded them. We are not persuaded to accept the said contention of the applicants. We



have carefully gone through the records and also heard the counsel for both parties. We are of the considered view that if the prayer of the applicants is accepted, the inter se seniority of some of the UDCs listed at Annexure-A/7 will be affected. We do not, therefore, propose to get into the merits of this case.

3. For the reasons stated above, the Original Application is dismissed for non-impleading of necessary parties. The applicants are at liberty to file a fresh Original Application, if they wish to, by impleading those employees who are likely to be affected by the prayers in the Original Application. There is no order as to costs.


(DR. K.B. SURESH)
JUDICIAL MEMBER


(DR. K.S. SUGATHAN)
ADMINISTRATIVE MEMBER