

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION No.567/2015**

**Date of Decision: 22.01.2019.**

***CORAM: R. VIJAYKUMAR, MEMBER (A)***  
***R.N. SINGH, MEMBER (J)***

K.R.N. Lingeshwara Rao  
Aged 53 years, presently employed as  
Pharmacist in Vinoba Bhave Civil Hospital,  
Union Territory of Dadra and Nagar  
Haveli, Silvassa – 396 230.  
R/at Flat No.5, H Building, Govt.  
Quarters, Behind Court Building, Tokarkhada,  
Silvassa, Union Territory of Dadra and Nagar  
Haveli, Silvassa – 396 230.  
*(By Advocate Shri Ramesh Ramamurthy)*

... *Applicant*

**VERSUS**

1. The Administrator, Union Territory of  
Daman, Diu, Dadra and Nagar Haveli,  
Silvassa Administrator's Secretariat,  
Silvassa – 396 230.
2. The Director, Medical & Health Services,  
U T of Dadra & Nagar, Haveli,  
Silvassa – 396 230.
3. Medical Superintendent, Shri Vinoba Bhave  
Civil Hospital, U T of Dadra & Nagar  
Haveli, Silvassa – 396 230.

... *Respondents*

*(By Advocate Shri V.S. Masurkar)*

**ORDER** (Oral)

*Per : R. Vijaykumar, Member (A)*

Heard the learned counsels for the  
parties at length.

2. Reference is specifically made to the  
letter No.CMO/EST/19/1998 dated 04.11.1993



of confirmation of probation and the final gradation list published in OM No.ADM/CMO/EST/244-78 dated 09.04.1984 as at 01.01.1984 (Annex. A-3) with applicant at sr.no.10 under Pharmacist Class III and indicated as quasi-permanent, and the final seniority list published as at 01.01.1989 in OM No. ADM/CMO/EST/244-78 dated 25.06.1989 (Annex.A-4) indicating the applicant at sr.no.6 under Pharmacist and indicated as quasi-permanent as also the reply of respondents which reads as below:

*"...9. With reference to para 4(1) of the OA, the contention is denied. It is submitted that the probation period of his appointment had been cleared but the adhoc appointment was not regularized within due period by the Administration through oversight.*

*10. With reference to para 4(m) of the OA, the contention is denied. It is submitted that the applicant has continued in service for about 32 years and more, but his status of appointment as Adhoc appointment is not regularized till date through oversight."*

3. During arguments, it also transpires that the applicant has received all stagnation benefits under ACP and MACP with reference to his date of initial appointment on 20.02.1983 and therefore, he has been treated as regular employee for all



practical purposes including for confirmation of probation. What remains is only a formal declaration for regularization which the applicant seeks for the purpose of getting all the necessary benefits at the time of superannuation.

4. In view of the aforesaid, the respondents are directed to consider and pass appropriate orders regarding the regular service of the applicant since his initial appointment w.e.f. 23.02.1983 as Pharmacist more particularly keeping in view reply of the respondents in para 10 of their affidavit in-reply that necessary orders could not be passed by oversight of the respondents. The necessary orders shall be passed by the competent authority within eight weeks of the receipt of certified copy of these orders.

5. In the aforesaid terms, the OA is disposed of. No order as to costs.

(R.N. Singh)  
Member (J)

(R. Vijaykumar)  
Member (A)

dm.

Jm  
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