
(2021) 01 CAT CK 0019

In the Central Administrative Tribunal

Case No : Original Application No. 2162 Of 2020, Miscellaneous Application No. 2758 Of 2020

Subash Chander Sharma

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 05-01-2021

Acts Referred:

Citation : (2021) 01 CAT CK 0019

Hon'ble Judges : L. Narasimha Reddy, J; Pradeep Kumar, Member (A)

Bench : Division Bench

Advocate : Praveen Kumar, Sandeep Tyagi

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant has initially been appointed on ad hoc basis in the Corps of EME as LDC on 22.12.1981 against a combatant vacancy. Thereafter, he

was placed against a regular vacancy on 11.07.1983. He was regularised in that post through order dated 11.07.1985, with effect from that date.

Respondent No.5 was similarly appointed against a combatant vacancy as LDC on ad hoc basis on 28.03.1981 and placed against regular vacancy on

16.09.1982. He was regularised in that post w.e.f. 17.09.1984. Similarly, the 6th respondent was appointed against the vacancy on 28.03.1981, posted

against regular vacancy on 17.09.1982 and regularised as LDC w.e.f. 22.09.1984. All of them earned promotions to the higher post of UDC etc.,

thereafter.

3. The applicant filed OA No.1779/2019 complaining that his seniority was not properly fixed. The OA was disposed of on 24.09.2020 directing the

respondents to pass a speaking order on the representation made by the applicant. In compliance to the same, the Commandant & MD, i.e., the 4th

respondent herein, passed an order dated 03.11.2020 stating that in view of the respective dates of the initial engagement against combatant

vacancies, placing against regular vacancies and ultimate confirmation in the post of LDC, the applicant cannot be treated as senior to respondent

Nos.5 & 6. The same is challenged in this OA.

3. The applicant contends that once he was engaged as LDC, albeit against a combatant vacancy on 22.12.1981, he is entitled to be regularised with

effect from that date and there was no basis for the respondents in treating him as junior to the respondent Nos.5 & 6, and other similarly placed

persons.

4. We heard Shri Praveen Kumar, learned counsel for the applicant and Shri Sandeep Tyagi, learned counsel for the respondents at the stage of

admission in detail.

5. The applicant claims over respondent nos.5 & 6. The respective dates of their being posted against combatant vacancies, thereafter the regular

vacancies of LDC and the subsequent promotion are mentioned in the impugned order. A perusal of the same discloses that against the regular

vacancy of LDC, the applicant was appointed on 11.07.1983 whereas respondent Nos.5 & 6 were posted on 16.09.1982 and 17.09.1982 respectively.

All of them were confirmed against those vacancies. While the applicant was confirmed on 11.07.1985, respondents 5 & 6 were confirmed from

17.09.1984 and 22.09.1984. It is just un-understandable as to how, the applicant, who was appointed and regularised much subsequent to the

respondents 5 & 6, can claim seniority over them. His plea that he must be treated as senior to respondent Nos.5 & 6 and to set aside the promotion

of those two officials, is totally untenable.

6. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.