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Central Administrative Tribunal, Principal Bench

O.A.No. 2559/ 2002
M.A.No. 2195/ 2002

New Delhi, this the 30th day of September, 2002.

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M.P. Singh, Member(A)

1. M.D. Kakaran,

S/o Shri J.R. Kakaran,
presently working as Lower Division Clerk,
Programme Implementation Wing,
Ministry of Statistics and
Programme Implementation,
Sardar Patel Bhawan, Sansad Marg,
New Delhi-1.

2. Jaipal,

S/o Shri Shrichand
presently working as Lower Division Clerk
Programme Implementation Wing,
Ministry of Statistics and
Programme Implementation,
Sardar Patel Bhawan, Sansad Marg,
New Delhi-1

3. Mrs. Maya Sati @ Maya Pathak

W/o Shri Premchand
presently working as Steno Grade 'D'
Programme Implementation Wing
Ministry of Statistics and
Programme Implementation,
Sardar Patel Bhawan, Sansad Marg,
New Delhi-1

....Applicants

(By Advocate: Shri Sanjay Kumar Das)

Versus

Union of India
Through the Secretary
Ministry of Statistics and
Programme Implementation
Sardar Patel Bhawan, Sansad Marg,
New Delhi

...Respondent

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

A scheme under the style of Member of Parliament
Local Area Development Scheme had been launched by the
Government of India under the Ministry of Rural Develop-
ment. Certain funds had been earmarked to the Members



of Parliament for this purpose. The posts were transferred to the then Department of Programme Implementation.

2. In pursuance of the applications that were invited, applicant no.1 was offered the post of Lower Division Clerk ^(L.D.C.) by an order of 22.1.96. The applicant joined the said post. Similarly applicant no.2 was also offered another post of L.D.C. on contract basis which he accepted. So is the case of applicant no.3. In case of applicant no.3, by a subsequent order of 28.11.2000, she was considered and selected for the post of Stenographer Grade 'D'.

3. During the course of submissions, it was not disputed by the learned counsel that the applicants are not seeking regularisation against any of these posts. His grievance was that the respondents should be restrained from inducting any other person so long as the posts which are temporary in nature, are continuing.

4. We have carefully considered the said submissions. It is not in dispute that the appointment of the applicants was on contract basis and there are no recruitment rules for any such posts. In that view of the matter, the applicants cannot claim any right to the said posts.

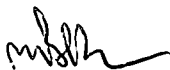
5. In that event, learned counsel for the applicants had argued that persons should not be inducted so long as the posts are existing on regular basis. In support of his argument, he relied upon a decision of this Tribunal in the case of Dr. Sangita Narang vs. Delhi Administration etc., 1988 (6) ATC 405 decided on 18.12.87.


6. However the facts of the present case cannot be lost

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sight of. Herein no other person is being taken on contract basis. The applications are being invited from regular Government servants to attend to the said work while taken on deputation basis. In that view of the matter, the decision in the case of Dr. Sangita Narang (supra) will not come to the rescue of the applicant.

7. Totality of the facts indicate, therefore, that the application is totally devoid of merit. It is, therefore, dismissed in limine.


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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