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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1715/2002

This the 5th day of February, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Mrs. Neena Gandhi
C. Kum. Neena Gulati
R/o 2/214, Subhash Nagar
New Delhi-110027

...Applicant

(By Advocate: Sh. S.K. Gupta proxy for
Sh. B.S. Gupta)

Versus

1. Union of India through
its Secretary
Ministry of Finance
Department of Economic Affairs
(Banking Division)
Jeewan Deep Building
Parliament Street New Delhi.
2. Registrar
Debt Recovery Tribunal-II
Sanskriti Bhawan
D.B. Road, Karol Bagh
Jhandewalan, New Delhi.

(By Advocate: Sh. Bhaskar Bhardwaj)

Q_U_E_S_T_I_O_N

By Sh. Kuldip Singh, Member (J)

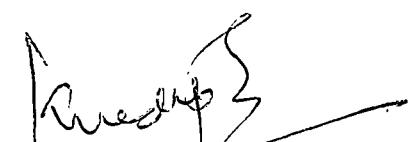
Applicant was appointed as LDC vide appointment letter dated 4.6.2001 on ad hoc basis for a period of 89 days which was extended for a period of 9 months upto 3.4.2002. In the meanwhile recruitment rules were published on 11.3.2002 which had a provision for initial constitution, as may be filed and also for regularisation as per Rule 7. Rule 5 provides that:

"the employees holding the posts mentioned in schedule to these rules in the Debts Recovery Appellate Tribunal-II Delhi on the date of commencement of these Rules shall be deemed to have been appointed at the initial constitution stage of the said posts, if so opted within 30 days of publication of these Rules"

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2. Learned counsel for applicant submits that since the applicant could not exercise her option and before the period of option expired, her services had already been terminated on 3.4.2002 as the same was not extended beyond that. Since she has not been given right of exercise of option and her representation has been disposed of by passing a non-speaking order, respondents be directed to consider her case. But opposing the same, learned counsel for respondents submits that since the applicant was appointed on ad hoc basis she could not be said to be holding the post as per the service jurisprudence.

3. In my view, this OA can be disposed of with the direction that applicant shall make a consolidated representation containing the option also and the respondents shall decide the same within a period of 30 days from the receipt of the representation as if the applicant was also one of the candidates who could said to be holding the post mentioned in the schedule as if they were considered for the option. Applicant shall make the representation within one week from the date of receipt of the order. Resp. No.2 shall decide the representation within 30 days from the receipt of the representation.



(KULDIP SINGH)
Member (J)

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