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Central Administrative Tribunal, Principal Bench

Original Application No.41 of 2002
M.A.No.48/2002

New Delhi, this the 8th day of January, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (A)

1. Pradeep Kumar Tyagi
 2. Ashok Kumar Chauhan
 3. Rajbir Singh
 4. Ashok Kumar Lakra
- All c/o Pradeep Kumar Tyagi
s/o Shri H.D. Tyagi, A-233,
New Ashok Nagar, Delhi-96.

....Applicants

(By Advocate: Dr. Surat Singh)

Versus

1. Union of India, through
The Secretary
Ministry of Health & F.W.
Nirman Bhawan,
New Delhi-1
2. Medical Superintendent,
Dr. Ram Manohar Lohia Hospital,
Baba Kharag Singh Marg,
New Delhi-1

....Respondents


O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

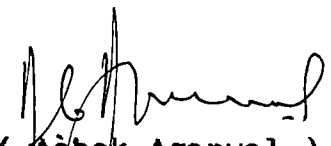
11.1.02

Applicants who are working as Telephone Operators, by the present OA seek directions to the respondents to absorb them in terms of the directions contained in their earlier OA being OA No.1429/93 decided on 25.11.93 (Annexure A-1). By the order, directions have been issued to grant temporary status to the applicants to the posts of Telephone Operators and consider them for absorption as and when vacancies arise. Applicants have sought to point out that there are vacancies in the posts of Lower Division Clerk (in short 'LDC') which are being filled up by the respondents. They, in the circumstances, claim that they should be absorbed in the aforesaid posts of LDCs.

2. In our view, the claim made is not sustainable for more than one reason. The posts of Telephone Operator occupied by the applicants is a technical post. It is a group 'D' post. The post of LDC is a clerical post and is a group 'C' post. The duties and functions of Clerks and Telephone Operators are distinct. Telephone Operators, in the circumstances, would not be suitable for being appointed as LDCs. Recruitment rules for Telephone Operators and LDCs are also distinct. In the circumstances, applicants cannot lay their claim for regularisation to the posts of LDCs. If applicants hereafter find that there are vacancies in the posts of Telephone Operators, they undoubtedly will be entitled to raise the present claim for regularisation. Present OA, in the circumstances, we find is devoid of merit. The same is accordingly dismissed in limine.


(M.P. Singh)
Member (A)

/dkm/


(Ashok Agarwal)
Chairman