

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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OA NO. 1021/2002

This the 7th day of November, 2002

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

1. Bhagat Singh,
Presently working as Peon
on casual/ad-hoc basis.
2. Rajender Singh,
Presently working as Sweeper
on casual/ad-hoc basis.
3. Manoj Kumar Sharma,
Presently working as Peon
on casual/ad-hoc basis.

All working as Group-D, Class-IV employees
in Debt Recovery Tribunal-II, Vikrant Tower,
Rajendra Place, New Delhi.

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

Versus

1. Union of India
Through Secretary,
Ministry of Finance,
North Block,
New Delhi.
2. Registrar,
Debt Recovery Tribunal-II,
111rd Floor, Vikrant Tower,
Rajendra Place, New Delhi.
3. Secretary,
Deptt. of Economic Affairs,
Ministry of Finance,
Parliament Street,
New Delhi.

(By Advocate: Sh. Anil Singhal proxy for
Mrs. P.K.Gupta)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA seeking following
reliefs:-

- (i) to declare the action of the respondents as illegal
and arbitrary by which they are replacing one set of
ad hoc employees by another set of ad hoc employees;



(ii) to direct the respondents to consider the case of the applicants for regularisation in terms of the Recruitment Rules or alternatively direct the respondents to confer temporary status upon the applicants in terms of the Scheme dated 10.9.1993;

(iii) to further direct the respondents not to terminate the services of the applicants till they are considered for regularisation or granted the temporary status as claimed above.


2. The main case of the applicant is that he had been working as Peon on ad hoc basis since 15.6.2001 and his ad hoc appointment has been renewed from time to time. Now it is an admitted case of the parties that the department has framed recruitment rules for the post of Peon which the applicant is holding. According to the recruitment rules, the qualification required is middle pass and should be between the age of 18-27 years (Relaxable for Govt. servants upto 35 years in accordance with the instructions or order issued by the Central Govt. and recruitment is to be made through Employment Exchange. Sh. Anil Singhal submits that in accordance with these recruitment rules department is going to appoint Peons and the department as per OM cannot continue the applicant beyond the period of one year on ad hoc basis.

3. Since the regular recruitment is going to take place, so department is within their rights to appoint a person on regular posts. However, it was submitted that respondent shall not replace the applicant's services by any other ad hoc employee.

/s/

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4. Sh. Gupta appearing for the applicant submits that when the applicant was earlier appointed on ad hoc basis, his name was sponsored by Employment Exchange. Since the department is going to make recruitment of the Peons on the basis of the candidates sponsored by the Employment Exchange so his candidature be also taken. Since he is sponsored by Employment Exchange the request of the applicant is quite genuine and bonafide. OA is allowed to the extent that respondents are directed to consider the name of the applicant also as a sponsored candidate from Employment Exchange as and when they hold the selection of Peon in accordance with the rules and instructions. OA stands disposed of.


(KULDIP SINGH)
Member (J)

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