

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 3116/2001

New Delhi this the 13th day of November 2001

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Kuldeep Singh, Member (J)

Smt. Promila C.,
Lower Division Clerk,
Ayyappa Temple, Sector-1,
R.K. Puram, New Delhi.

-Applicant

(By Advocate: Shri C.N. Sreekumar)

Versus

1. Union of India
Through Secretary,
Government of India,
Ministry of Consumer Affairs,
and Public Distribution,
Krishi Bhawan, New Delhi-110 001.
2. President,
National Consumer Disputes,
Redressal Commission,
Through its Registrar,
5th Floor, Janpath Bhawan,
New Delhi.

-Respondents

ORDER (Oral)

By Shri V.K. Majotra, Member (A)

Heard Shri C.N. Sreekumar, learned counsel of the applicant.

2. The applicant has challenged Annexure A-1 dated 10.6.2001 whereby proposal made by National Consumer Disputes Redressal Commission, New Delhi to the Government for regularisation of services of applicant in relaxation of rules for the post of LDC has been declined and the Commission has been asked to fill up the vacant posts in the Commission in accordance with the notified Recruitment Rules and provisions therein relating to age, essential

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qualifications and open advertisement. Learned counsel drew our attention particularly to Annexure A-5 dated 6.9.2000 which is a proposal made by the said Commission to Ministry of Consumer Affairs and Public Distribution seeking relaxation of Recruitment Rules for regular appointment of the applicant in the Commission. It is stated, therein, that the applicant was initially appointed as LDC on ad hoc basis in the office of Ravi & Beas Waters Tribunal, which is a temporary organisation w.e.f. 25.2.92. She joined as ad hoc LDC in the Commission on 1.11.96. It is claimed that she was appointed against the vacancy of one Smt. A.V. Padmajar, LDC who had proceeded on promotion as UDC on provisional basis against the deputation vacancy of Shri Arvind Pandey who had proceeded on deputation to Customs, Excise and Gold (Control) Appellate Tribunal. The post of LDC in the Commission is a group 'C' post and Recruitment Rules for Group 'C' and 'D' posts in the Commission were notified on 20.5.97. Learned counsel stated that in the said letter, it had been stated that as the applicant had rendered more than 7 years as LDC on ad hoc basis both in Ravi & Beas Waters Tribunal and in the Commission, her services should be regularised as LDC in relaxation of the rules.

3. We find that among other things, it is prescribed in the aforesaid rules that a candidate for the post of LDC in the Commission should not be less than 18 years and not more than 25 years of age, relaxable for Government servant upto 35 years in

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accordance with the instructions or orders issued by the Government. The applicant had joined LDC ad hoc in the Commission on 1.11.96. She is stated to be 35 years of age at present. It means that at the time when she joined as ad hoc LDC in the Commission, she had already attained 30 years of age which was much more than the maximum age of 25 years specified in the rules for recruitment. The Commission vide Annexure A-5 had stated all the points in favour of the applicant for relaxation of the Government rules and for re-consideration of the matter of her regularisation of services in the Commission. The Ministry of Consumer Affairs and Public Distribution in consultation with Department of Personnel and Training vide the impugned order Annexure A-1 have expressed their inability to accede to regularisation of her services in relaxation of recruitment rules. We do not find any infirmity in Annexure A-1 particularly in view of the fact that the applicant had already crossed age limit of 25 years at the time of her recruitment on ad hoc basis in the Commission.

4. Having regard to the above reasons and discussion, we do not find any merit in the OA which is dismissed in limine. No costs.

Kuldeep Singh
(Kuldeep Singh)
Member (J)

V.K. Majotra
(V.K. Majotra)
Member (A)

cc.