

23

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CP NO. 428/2003 IN
OA NO. 1770/2001

This the 3rd day of June, 2004

HON'BLE SH. V.K. MAJOTRA, VICE CHAIRMAN (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Smt. Usha Saini
W/o Sh. Ashok Saini
23, Masjid Lane, Bhogal
New Delhi.

(By Advocate: Sh. S.Q. Kazim)

Versus

1. Mrs. Gauri Chatterji
Director General
Archaeological Survey of India
11, Janpath, New Delhi-110001.
2. Sh. J.R. Aggarwal
Director (Admn.)
Office of Director General
Archaeological Survey of India
11, Janpath, New Delhi-110001.
3. Sh. Yogesh Gupta
Section Officer
Office of Director General
Archaeological Survey of India
11, Janpath, New Delhi-110001.

(By Advocate: Sh. B.K. Berera)

O R D E R (ORAL)

By Sh. V.K. Majotra, Vice Chairman (A)

Learned counsel heard.

2. OA-1770/2001 was partly allowed vide order dated 5.3.2002 with the following directions:-

"In the above view of the matter, the application succeeds partially and is accordingly disposed of. Respondents are directed to consider the grant of temporary status to the applicant, on the day she has completed the requisite period of 240 days for 206 days as the case may be followed by regularisation in turn. This decision which would apply to other persons identically placed in the organisation as well should be given effect to within three months from the date of receipt of a copy the order. The

24

applicant's claims for regularisation as Marks Man, the post which she is holding on adhoc basis is rejected as being without merit, but with other directions to the respondents to permit her to continue in that post till a regularly recruited person joins duties as Marks Man, as well as to permit her to appear for direct recruitment to the post, by relaxing the upper age limit, considering the period of service she has put in already both as a skilled casual worker and as an ad hoc Marksman. No costs."

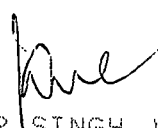
2. Counsel for applicant pointed out that respondents have vide Annexure-III dated 13.11.2003 cancelled the ad hoc appointment of the applicant as Marksman w.e.f. 7.10.2003 (A/N) on the ground of abolition of the post vide respondents order dated 7.10.2002. Learned counsel of the respondents stated that 13 posts of Marksman in the scale of Rs.3050-4590 were abolished by Annexure R-2 dated 7.10.2003. However, the applicant is still continuing with the respondents as an unskilled labour with temporary status and respondents undertake to consider the applicant for regularisation against a Group 'D' post as and when available.

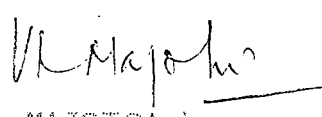
3. Learned counsel of the applicant stated that the post of Marksman which has been abolished and on which the applicant has been working on ad hoc basis was a Group 'C' post and as such the applicant should be considered for regularisation in a Group 'C' post.

4. In this connection, the observation of this Court in order dated 5.3.2002 is absolutely clear that the applicant cannot have a legal claim for regularisation in Group 'C' post of Marksman and applicant's claim for regularisation as Marksman which ^{post} ~~he~~ ^{has} been holding on ad hoc basis was also rejected. As such the respondents may consider the applicant for

regularisation against a Group 'D' post as and when available as per their undertaking and till then the applicant may be allowed to work as an unskilled labour on temporary status.

5. In the backdrop of the above discussion, the CP is dropped and notices to the respondents are discharged.


(KULDIP SINGH)
Member (J)


(V.K. MAJOTRA)
Vice Chairman (A)

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