

Central Administrative Tribunal

Principal Bench: New Delhi

O.A. No. 1442/99

New Delhi this the 8th Day of January 2001

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Dr.A. Vedavalli, Member (J)

1. Uma Vaidyanathan
LDC, ITAT Delhi Benches,
Income Tax Appellate Tribunal,
11th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110 003 Applicant
2. Sushil a Kalwani,
LDC, ITAT, Delhi Benches,
Income Tax Appellate Tribunal,
11th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110 003

(By Advocate: None)

Versus

1. Union of India,
through its Secretary,
Ministry of Law and Justice,
Department of Legal Affairs,
Shastri Bhawan, New Delhi-110 001.
2. The President
Income Tax Appellate Tribunal,
Old CGO Building,
Maharishi Karve Road,
Mumbai-400 020.
3. The Registrar,
Income Tax Appellate Tribunal,
Old CGO Building,
Maharishi Karve Road,
Mumbai-400 020. Respondents

(By Advocate: Shri VSR Mrishna)

O R D E R (Oral)Hon'ble Shri S.R. Adige, VC (A)

Applicants impugn respondents' order dated 31.5.1999 modifying their earlier orders dated 6.1.1994. They seek directions to respondents to release all the annual increments earned by the applicants after passing the Typing Test and fix the Seniority of the applicants accordingly.

2. None appeared for the applicant when the case was called even for the second time.

3. Shri VSR Krishna appeared for respondents and has been heard.

4. As per applicants averments, they were initially appointed as Lower Division Clerks on daily wages in respondents' organisations, and were thereafter appointed in the time scale of LDCs on adhoc basis for specified periods of time, or till the post was filled up on regular basis by the candidate nominated by Staff Selection Commission, whichever was earlier. The aforesaid appointment ~~is~~ on adhoc basis would not bestow upon them any claim for regular appointment in the grade of Lower Division Clerk and their services could also be terminated at any time without assigning any reason.

5. By order dated 6.1.1994 (Page 31, Annexure A-4), the Deputy Registrar of respondents' organisation regularised them with retrospective dates. In those orders it was made clear that the applicants appointment would be for a period of two years and would be liable to be transferred anywhere in India.

6. Thereafter, respondents by impugned order dated 31.5.1999 have modified their aforesaid order dated 6.1.1994, making it clear that the applicants would continue to be appointed on ad hoc basis for a period of six months or till the post was filled up on

regular basis by the candidate nominated by Staff Selection Commission, whichever ^{is} earlier. It is the aforesaid order dated 31.5.1999 which is now impugned in the present O.A.

7. The stand of the respondents is that the posts of LDCs are filled up through SSC and the order dated 31.5.1999 ~~was~~ issued by the Deputy Registrar regularising the candidates from ~~the~~ retrospective dates was issued by an authority not competent to issue the same.

8. It has also been pointed out in respondents reply that this case is fully covered by the Tribunal's order dated 25.2.1992 in OA 149/92 M.L. Kushwaha Vs. Union of India & Ors. Our attention has been invited to para 3 of the aforesaid order, a perusal of which makes it clear that it fully covers the facts and circumstance of the present case. Furthermore, we note that these assertions of respondents have not been denied in ^{any} ~~the~~ rejoinder filed by the applicants.

9. Nothing has been shown to us to establish that the aforesaid order to Kushwaha's case (supra) has been stayed, modified or set aside. In the light of the aforesaid discussions, we find no good reasons to interfere in this OA which is accordingly dismissed. Interim orders are vacated. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

Mittal