

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2111/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 1st day of June, 2000

Shri Basant Lal
s/o late Shri Panna Lal
Shiv Colony Shehad Pur Road
Palla No.1, Tilpat
Faridabad (Haryana). Applicant

(By Shri V.K.Raina, Advocate)

vs.

1. Govt. of N.C.T.
through Chief Secretary
5, Shamnath Marg
Delhi - 54.
2. G.B.Pant Hospital
New Delhi
through Medical Superintendent.
3. Dharam Vir
c/o Medical Superintendent
G.B.Pant Hospital. Respondents

(By Shri Rajinder Pandita, Advocate)

O R D E R (Oral)

By Smt. Shanta Shastry, Member(A):

The applicant's main grievance in this OA is that though he had been discharging the duty of Lower Division Clerk (LDC), he has been denied the benefits of the post of LDC.

2. The brief facts in this case are that the applicant was initially appointed in temporary capacity as Nursing Orderly in the pay scale of Rs.750-940 on the recommendations of a selection committee. His appointment was purely temporary. The appointment was made on 15.9.1989. Thereafter vide orders dated 20.6.1990 the applicant was directed to do the typing work pertaining to the seat of one Shri

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Pan Singh, LDC, till further orders. As a result, the applicant started doing the work of typing and he qualified with a speed of 31.21 w.p.m.. According to the applicant he was also asked to do other jobs such as he was deputed to disburse the salary to the technical staff by virtue of an order dated 30.7.1998. He was also attached with junior and was directed to look after the work of issuance of identity cards and medical facility cards by order dated 2.6.1999. In spite of performing these various duties, which did not form a part of duty of Nursing Orderly, the applicant was not paid any extra emoluments or was not given any other benefits that accrued to the post of LDC. The applicant therefore, prayed that a direction be issued to the respondents to regularise and to give him all the benefits attached to the post of LDC. The applicant has made a further prayer, i.e., a junior to him had been appointed to the post of ~~CSSD~~ Attendant Grade-IV and he was denied the same. The said appointment is against the Rules. He has therefore added the prayer to quash the appointment of Respondent No.3 as ~~CSSD~~ Attendant Grade-IV.

3. The learned counsel for the respondents takes a preliminary objection that the application is barred by Sections 19, 20 and 21 of the Administrative Tribunals Act, 1985. The applicant has never made any representation seeking the benefits of the post of LDC.

4. He further states that the applicant has never been posted as LDC except that he has been asked to perform a particular function, namely, of typing

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and other odd jobs. The post of LDC is to be filled according to the Recruitment Rules and the applicant has not been appointed in pursuance of those Rules. Therefore, there is no question of regularising the applicant in the post of LDC. Further, the applicant has been appointed as Nursing Orderly on purely temporary capacity and the terms and conditions of his appointment clearly state that his services may be terminated at any time by one month's notice on either side. According to the respondents the applicant has no case.

5. We have heard both the learned counsel for the applicant and the respondents and the arguments advanced by them. We find that the applicant has never been appointed as LDC at any time, he has only been asked to perform a particular function of the LDC. Since the post of LDC has to be filled according to the Recruitment Rules, merely having worked in a partial way in the post of LDC does not entitle the applicant for regularisation in the post. However, the fact remains that he did do the job of Typist and some other jobs. This is not disputed by the respondents. Therefore the respondents could have considered giving him suitable additional emoluments for the job that he performed. According to us the applicant's prayer to regularise him in the post of LDC cannot be accepted. Moreover as the learned counsel for the respondents points out the applicant has not made any representation to the authorities concerned for regularising him or providing him the benefits of the post of LDC at any time. Since he has not exhausted the available remedies, his application

is premature. Therefore, we are not inclined to give any direction at this stage. However, it is open to the applicant to make representation to the concerned authorities and in case he makes such representation, the respondents are directed to consider the same and dispose it of on merits.

6. The applicant has also made a prayer about his appointment to the post of CGSD Attendant Grade-IV. The applicant cannot seek multiple prayers/reliefs in the same OA, therefore, this prayer cannot be considered under the present OA. If he is aggrieved, he is free to file another application before the appropriate forum in accordance with law.

7. In the facts and circumstances of the case, the OA is disposed of with the above observations. We do not order any costs.

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(SMT. SHANTA SHAstry)
MEMBER(A)

Concurred

(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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