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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2112/1999

New Delhi this the 19th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Sh. Vinod Singh,
S/O Sh. Ghanbir Singh,
working as Peon,
B-6, Safdurjung Fire Station,
Jog Bagh Road, New Delhi.

.. Applicant

(By Advocate Sh. D. S. Mahendru)

Versus

Govt. of N.C.T. of Delhi through:

1. The Principal Secretary (Services),
Govt. of India, 5, Sham Nath Marg,
Old Secretariat, Delhi-54
2. The Chief Fire Officer,
Govt. of NCT of Delhi,
Connaught Lane, New Delhi-1

.. Respondents

(By Advocate Sh. Rajinder Pandita)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The grievance of the applicant in the present case is against the action of the respondents in giving him an offer to the post of Peon, which is a Group 'D' post, while the other similarly situated persons like him, who have even lesser qualifications, have been offered the post of Lower Division Clerk (LDC) at the relevant time, which is illegal and not in accordance with law.

2. I have heard ^{the} learned counsel for the parties at some length.

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3. By Tribunal's order dated 4.7.2000, certain factual discrepancies had been pointed out in the reply filed by the respondents and respondents were directed to bring the relevant records for the perusal of the Bench. Unfortunately the respondents have not brought the relevant records. They were also required to verify whether three posts of LDCs filled in 1996-97 were direct recruitment posts.
4. I have heard Shri Rajinder Pandita, learned counsel further on the issues raised in the present OA and I am satisfied that there is merit in the submissions made by Shri D.S. Mahendru, learned counsel on behalf of the applicant. The main issue in this case is whether at the time of the offer of appointment to the applicant in a Group 'D' post, other persons who have lesser qualifications have been offered the post of LDCs, which is a Group 'D' post ignoring his claim. Shri Pandita, learned counsel for the respondents has submitted that at the relevant time when the applicant was given an offer of appointment in a Group 'D' post the situation was slightly different because later on, when the other similarly situated persons or even those

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having lesser qualifications than the applicant were considered for appointment, a Committee had been formed. That, however, will not be sufficient reason.


5. In the particular facts and circumstances of the case, the OA succeeds and is allowed with the following directions:-

(i) The Respondents are directed to re-consider the case of the applicant along with the other similarly situated persons as per Rules at the relevant time for considering his request for appointment to the post of LDC on compassionate grounds, taking into account his qualifications and the other requirements as laid down in the relevant OMs and regulations/instructions;

(ii) Necessary action in this regard shall be taken within two months from the date of receipt of a copy of this order and in case the applicant is found fit, the offer of appointment to the post of LDC should be made to him;

(iii) He shall, however, not be entitled for pay and allowances in the higher post of LDC during the period he was not working in that post.

parties to bear their own costs.


(Smt. Lakshmi Swaminathan)
Member (J)

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