

Central Administrative Tribunal
Principal Bench

O.A. No. 2353 of 1999

New Delhi, dated this the 28th November, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

S/Shri

1. Badri Singh,
S/o late Shri Chander Singh,
R/o 1481, Lodhi Road Complex,
New Delhi.
2. Sudama Manjhi,
S/o late Shri R.P. Manjhi,
R/o 142/2 Sector I, Pushp Vihar,
17, M.B. Road, New Delhi.
3. Gaya Thakur,
S/o Shri Kishan Thakur,
R/o N-119/4, Andrews Ganj,
New Delhi-110049.
4. Ram Gopal;
S/o late Shri Mathura Prasad,
R/o Sai Nagar, B Block, Gali No. 6,
Badarpur, New Delhi-110044.
5. Murli Dhar Bhatt,
S/o late Gopal Datt Bhatt,
R/o P-216, Sewa Nagar,
New Delhi. .. Applicants

(By Advocate: Shri B.K. Sinha)

Versus

1. Monopolies Restrictive Trade Practices
Commission through
the Secretary, MRTF House,
New Delhi.
2. Union of India through
the Secretary,
Ministry of Law, Justice & Company Affairs,
Shastri Bhawan,
New Delhi. .. Respondents

(By Advocate: Shri K.R. Sachdeva)

ORDER

MR. S.R. ADIGE, VC (A)

Applicants seek a direction to consider them
for regularisation as L.D.Cs. They also impugn the



Recruitment Rules framed by respondents as ultra vires the Constitution and also seek a direction to respondents to pay equal pay for equal work.

2. At the outset it is noticed that the prayer for equal pay for equal work does not flow from the earlier reliefs and hence this O.A. is hit by Rule 10 CAT (Procedure) Rules.

3. Admittedly applicants were initially appointed in Group 'D' category. While Applicant No.2 was promoted on ad hoc basis as L.D.C.; then reverted; and then promoted as L.D.C. quite a few time between September, 1983 and 7.4.1994, on which date he was again promoted on ad hoc basis and has continued as such since then, other applicants were promoted as L.D.Cs on ad hoc basis between September, 1992 and November, 1992 and have continued as such since then.

4. As per RRs notified on 16.11.88 (copy taken on record) 90% of vacancies are to be filled by direct recruit and 10% by selection from amongst Group 'D' employees borne on regular establishment of respondent organisation (MRTPC) through Departmental Competitive Examination confined to such Group 'D' employees who fulfil the minimum educational qualifications, namely matriculation or equivalent; are 45 years or below (50 years for SC/ST) and have at least five years regular service in Group D.

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5. Direct recruitment vacancies are filled up on the basis of SSC's recommendations. (S)

6. It is clear that applicants can seek regularisation only in the 10% promotion quota and not in the 90% D.R. quota as that would mean violation of the RRs. Respondents have placed certain materials which have been taken on record in which it has been stated that the total number of sanctioned posts of L.D.C are 15 of which 13 (90%) are to be filled by direct recruitment against which nine incumbents are presently working. Reference has been made to SSC for filling up four posts, while two posts (10%) are to be filled by promotion against which two incumbents are presently functioning.

7. We see nothing illegal or arbitrary in the RRs which warrants our judicial interference. Applicants can seek regularisation only in their own promotion quota and in accordance with rules and instructions. The O.A., therefore, warrants no interference. It is dismissed. No costs.

A Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

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

'gk'