

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA.No.2620 of 1999  
MA.No.70 of 2000

New Delhi, this 25th day of April, 2000

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

Ms. Neelam  
D/o Shri Shyam Lal  
R/o P-157 Street No.8 (near Masjid)  
Bihari Colony Extn. Shahdara  
Delhi-110032 ... Applicant

(By Shri A.Bhattacharjee, Advocate)

versus

1. Secretary  
National Commission for Scheduled Castes  
and Scheduled Tribes, Vth Floor  
Lok Nayak Bhawan, New Delhi.
2. Under Secretary  
National Commission for Scheduled Castes  
and Scheduled Tribes, Vth Floor  
Lok Nayak Bhawan, New Delhi. ... Respondents

(By Shri Madhav Panikar, Advocate)

Order (oral)

By Reddy, J.

MA.70/2000

We do not find any ground for modifying  
the interim order dated 8.12.1999 in the OA.

2. The applicant has been working only as an ad hoc employee. Unless she is found eligible as per the recruitment rules for appointment to the post of LDC, she cannot have any right to be promoted on the basis of ad hoc appointment. In the circumstances, the MA is dismissed.

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3. The is an OA to regularise the services of the applicant in the post of LDC. Admittedly the applicant has been appointed on ad hoc basis from time to time and hence she had been continued from time to time. The grievance of the applicant is that as she has been working since 1987 she is entitled to be regularised in the post of LDC. The learned counsel for the respondents however submits that the appointments to the post of LDC are as per the statutory rules of recruitment and unless the applicant comes within the four corners of the rules and she is selected by the selection committee, she cannot have any right for claiming regularisation in the post of LDC.

4. We see sufficient force in the contention of the learned counsel for the respondents. An ad hoc employee, it is settled, has no right for regularisation unless she is found eligible as per the recruitment rules. In the circumstances, the OA is liable to be dismissed.

5. However since the applicant has been working since 1987, we direct that she should not be terminated unless regularly appointed candidates for the post of LDC are selected and posted in her post.

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6. It is needless to say that the applicant is entitled to participate in the examination that is held for the post of ~~selection of~~ LDC and she will be considered if she is found eligible as per the rules. No costs.

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(Mrs. Shanta Shastry)  
Member(A)

Rajagopal Reddy

(V. Rajagopal Reddy)  
Vice Chairman(J)

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