

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-1063/98  
MA-1344/98  
MA-1723/98

(31)

New Delhi this the 10th day of September, 1998.

Hon'ble Shri T.N. Bhat, Member(J)  
Hon'ble Shri S.P. Biswas, Member(A)

Shri K.P. Singh,  
S/o late Sh. Chattrapal Singh,  
R/o 126, Type-II,  
Kendranchal, Allahabad. .... Applicant

(None for applicant)

versus

1. Union of India through  
Secretary,  
Personnel & Training  
& Public Grievances & Pension,  
Dept. of Personnel & Training,  
North Block,  
New Delhi.
2. The Registrar,  
Central Administrative Tribunal,  
Principal Bench  
Faridkot House,  
Copernicus Marg,  
New Delhi.
3. Registrar,  
Central Administrative Tribunal,  
Allahabad. .... Respondents

(through Sh. N.S. Mehta, Sr. Standing Counsel)

ORDER(ORAL)

Hon'ble Sh. T.N. Bhat, Member(J)

None appears for the applicant today also. We  
have accordingly heard the learned counsel for the  
respondents for final disposal of the O.A.

2. The applicant who was working as a peon in the  
Allahabad Bench of the Central Administrative Tribunal  
came to be appointed/promoted to the post of Lower

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Division Clerk on ad hoc basis in the year 1992. He has filed this original application claiming regularisation of his services as L.D.C. and has assailed the order dated 6.6.94 passed by the Registrar of the Allahabad Bench of the Central Administrative Tribunal by which relaxation/exemption from passing the typing test has been refused to the applicant and the applicant has been directed to appear for the typing test on 10.6.94.

3. It now transpires that subsequently, by the letter dated 4.9.95, the exemption prayed for by the applicant was eventually granted to him and he has also been regularised as L.D.C. by the order dated 14.8.96, a copy of which has been annexed to the supplementary counter filed by the respondents on 5.11.96.

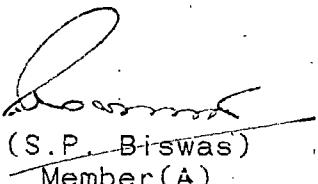
4. It, however, appears that the applicant is seeking regularisation from a back date. He also seems to be aggrieved by the fact that he was placed on probation for a period of two years by the aforesaid order dated 14.8.96.

5. We have carefully considered the matter. The learned counsel for the respondents makes available a copy of the Office Memorandum issued by the Government of India, Ministry of Personnel, Public Grievances & Pensions dated 29.9.92. Para-7 of the aforesaid O.M. clearly provides that persons working as L.D.C. would be eligible for regularisation/confirmation in L.D.C. grade from a date not earlier than the date of exemption or the date of

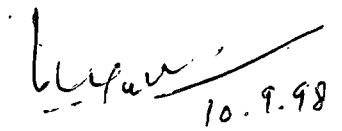


passing the typing test. In the instant case, the applicant has admittedly not passed the typing test. Furthermore, as already indicated, he was granted the exemption only on 4.9.95. Therefore, he cannot seek regularisation from a date earlier than 4.9.95. It has further been stated by the learned counsel for the respondents on instructions from the Presenting Officer of the Principal Bench of Central Administrative Tribunal that no vacancy being available the services of the applicant could not be regularised from a date earlier than 14.8.96. In these circumstances, the applicant's claim for regularisation from an earlier date cannot be sustained.

5. In view of the above, this O.A. is hereby dismissed as having become infructuous and also on the ground that there is no merit in it. No costs.

  
(S.P. Biswas)

Member(A)

  
10.9.98  
(T.N. Bhat)  
Member(J)

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