

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

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OA NO. 103/98

New Delhi, this the 13th day of October, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAM S. TAMPI, MEMBER (A)

In the matter of:

Sh. Bachan Lal

presently working as

Information Assistant

R/o C/o RZ-28B, Old Mehrauli Road,

Raj Nagar,

New Delhi

..... Applicant

(By Advocate: Jog Singh)

VS.

1. Union of India,
through Secretary (Tourism),
Department of Tourism,
Govt. of India,
New Delhi.

2. Regional Director (North),
Govt. of India,
Regional Tourist Office,
Department of Tourism,
88, Janpath, New Delhi-1.

3. The Secretary,
Department of Personnel & Training,
Govt. of India,
New Delhi. Respondents

(By Advocate: Sh. Rajinder Nischal)

ORDER (ORAL)

By Mr. Justice V. Rajagopala Reddy,

The applicant brought this case seeking regularisation in the post of Information Assistant in the Department of Tourism. It is the case of the applicant that he has been appointed on ad hoc basis in 1987 and since then he has been continuously working in the said post and he also earned the approbation of the employers or his superiors. He is now ineligible, in view of his over-age for fresh recruitment according to the rules in the post of Information Assistant. It is, therefore, essential that the age should be relaxed for any further recruitment. It is contended by the learned counsel for the applicant that the applicant is entitled to be regularised, as he has been working for a long period in the post of Information Assistant, dehors the rules. Learned

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counsel for respondents, however, submits that though age relaxation has been allowed twice, i.e., in 1993 and 1997 the applicant has not availed of the benefit as he has not competed in the selection. The applicant can only be considered as per rules as he has been appointed in 1987 on ad hoc basis without following the rules.

2. We have given careful consideration. Admittedly the applicant was appointed in 1987 on ad hoc basis. It was not in accordance with the rules. It was only on ad hoc basis until the regularly selected candidates had been appointed in place of the applicant. The recruitment was made in 1993 and 1997 and the certain vacancies have been filled and the applicant was only continuing in the available vacancies on ad hoc basis. No valid explanation is given by the applicant why he had not taken the benefit of the age relaxation granted in 1993 and 1997. It is fairly considered by the counsel for the applicant that any further recruitment has to be in accordance with the rules. However, in view of the facts and circumstances of the case as the applicant has been working since 1987 his case should be considered after relaxation of his age in any future appointment of available vacancies. The OA is, accordingly, disposed of. No costs.

(GOVINDAN S. TAMBI)
Member (OA)

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Om Jayaraman
(V.RAJAGOPALA REDDY)
Vice Chairman (J)