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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No.1554/95

New Delhi: this the 6th day of December, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Rajender Kumar,
S/o Shri N. S. Shami,
working as Librarian, Gr. III,
Hindi & Regional Languages Library,
Bahawalpur House,
New Delhi - 110001.

.... Applicant.

(By Shri K. L. Bhandula)

Versus

1. Union of India
through
Secretary to the Govt. of India,
Ministry of Human Resources Development,
(Department of Culture),
Shastri Bhawan,
New Delhi.

2. The Director,
Hindi & Regional Languages Library,
Department of Culture,
Govt. of India,
Bahawalpur House,
Bhagwan Dass Road,
New Delhi.

3. The Secretary to the Govt. of India,
Ministry of Personnel,
Public Grievances & Pension,
North Block,
New Delhi

..... Respondents.

(By Advocate: Shri VSR Krishna)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents Memo dated 24.4.95 (Annexure-I) and seeks regularisation as Librarian Gr. III from his initial date of appointment i.e. 8.12.83 instead of 1.12.94 with consequential benefits.

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2. Admittedly applicant was appointed in respondents' Organisation as Librarian Gr.III on adhoc basis vide letter dated 30.11.83 (Annexure-A to reply) which he accepted on 8.12.83(Annexure-B). He and others filed OA No.815/89 and No.1005/89 and ~~seek~~^{sought} regularisation, which were disposed of on merits after hearing by order dated 16.3.94 (Annexure-IV) with a direction to respondents to consider their cases for regularisation sympathetically. Accordingly their cases were considered sympathetically and after relaxing the normal rules of recruitment through Staff Selection Commission and age limits, applicant and others were regularised w.e.f. 1.12.94. Applicant now seeks regularisation with effect from the date of his original appointment on adhoc basis on 1.12.94.

3. Heard both sides.

4. At the outset it is noticed that this prayer could well have been made in OA No.815/89 and No.1005/89 itself and is therefore barred by Res judicata. That apart, applicant's appointment vide letter dated 30.11.83 was on adhoc basis and was not made according to rules, and is therefore squarely hit by the corollary ^{to} proposition 'A' in the Direct Recruits' case JT 1990 (2) SC 264. It cannot be said to be saved by Proposition 'B' of the Direct Recruits' case (Supra) because applicant's services were also not regularised in accordance with the rules but by relaxing the same. Under the circumstances, the Hon'ble Supreme Court's ruling in G.P. Doval & Ors. Vs. Chief Secretary, Govt. of UP & Ors. 1984(2) 3LR 555

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relied upon by Shri Bhandula which is much earlier in point of time than the ruling in the Direct Recruits case (supra), and is also distinguishable on facts does not avail the applicant.

5. The OA is dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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