

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1761/1996

New Delhi this the 2nd Day of April 1997.

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

Hon'ble Shri S.P. Biswas, Member (A)

Shri Madan Mohan,  
Cataloguer (Adhoc)  
Central Library,  
Lady Harding Medical College &  
Smt. Suchita Kriplani Hospital,  
Shaheed Bhagat Singh Marg,  
New Delhi

Applicant

(By Advocate: Shri K.C. Mittal with  
Shri D.S. Garg)

Vs

1. The Principal & Medical Superintendent  
Lady Harding Medical College & Smt. Suchita  
Kriplani Hospital, Shaheed Bhagat  
Singh Marg,  
New Delhi.
2. The Director General of Health Services,  
Directorate General of Health Services,  
Nirman Bhawan  
New Delhi.
3. The Secretary to Govt. of India,  
Ministry of Health & Family Welfare,  
Nirman Bhawan,  
New Delhi

Respondents

(By Advocate: Shri M.M. Sudan)

O R D E R

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

This O.A. has come up for hearing and both the parties agreed that the same can be disposed of today as the pleadings are complete. After hearing the parties and perusing the entire record, we find that the service of the petitioner which he is holding against the post of Cataloguer since 1994 on adhoc basis shall be continued till his name is considered for regularisation as and when the next selection takes place.

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2. The counsel for the petitioner states that the petitioner has been working in the post of Cataloguer ~~on~~ adhoc basis continuously without any break since 17.12.1986. At the time when the petitioner was holding the post, the petitioner ~~held~~ the post on adhoic basis in accordance with the extant rules which require graduation with a Certificate in Library Science of a recognised University. The respondents thereafter amended the Recruitment Rules on 6.6.1990 stipulating that the incumbent to the post shall have a degree of the recognised University or equivalent plus a diploma in Library Science from the recognised Institution ~~and~~ alongwith ~~and~~ knowledge in typing. Even after the amended recruitment rules came into force while the petitioner continues to hold the post on adhoc basis, On 23.7.1996, the respondents issued an Office Order stating that in case the petitioner does not qualify in the left out two papers of Bachelor of Information Science, he will stand reverted to his substantative post of L.D.C and the cut out date to pass those additional papers, given to the petitioner was 31.8.1996. The admitted case of the parties is that the petitioner did complete both those papers, though not by 31.8.1996 but by 28.2.1997 and these facts have been intimated to the respondents and it is fit and proper for the respondents now to consider the candidature of the petitioner against the post whenever the selection next takes place. Since the petitioner has been holding the said post on adhoc since 17.12.1986, till he is replaced by a regular incumbent.

3. In view of these facts and circumstances of the case, the following directions are issued:

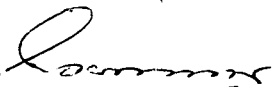
1. The order dated 23.7.1996 at Annexure 1 is quashed;


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2) The respondents shall consider regular appointment of petitioner to the post of Cataloguer whenever the next selection to the post take place giving weightage to the long years of service to the petitioner has already put in as well as relaxation of age and consider the petitioner for regularisation on the basis that the petitioner by 28.2.1997 has obtained all the necessary qualifications required under the Recruitment Rules

3) Till such selection takes place, the adhoc appointment of the petitioner shall not be replaced by any other adhoc appointment except by another regular appointment in accordance with the rules.

4. With these directions the present petition is disposed of with no order as to costs.

  
(S.P. Biswas)  
Member (A)

  
(Dr. Jose R. Verghese)  
Vice Chairman (J)

\*Mittal\*