

16

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.A. No. 1965/96

New Delhi: this the 16<sup>th</sup> day of October, 2000.

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

HON'BLE DR.A.VEDAVALLI MEMBER(J)

Layak Singh,  
S/o Shri Nathu Singh,  
R/o C/o H.No. 619,  
Income Tax Colony,  
Pitampura,  
New Delhi

....Applicant

(By Advocate: Shri Abhay Dass)

Versus

1. UOI

through  
the Secretary to the Govt.  
Ministry of Steel & Mines,  
Department of Mines,  
Shastri Bhawan,  
New Delhi -1

2. Under Secretary (Establishment),  
Ministry of Steel & Mines,  
Department of Mines,  
Shastri Bhawan,  
New Delhi -1

....Respondents

(By Advocate: Shri S.K.Gupta)

ORDER

Mr.S.R.Adige, VC (A):

Applicant seeks regularisation as LDC or alternatively a direction to respondents to recommend his case for absorption in any PSU under their control.

2. Heard both sides.

3. Admittedly applicant was appointed as LDC in respondent department on purely adhoc basis on 20.1.84 and has continued in that capacity since then. It is not respondents' case that applicant's work has not been satisfactory during this period. However, applicant does not deny that as per rules the post of LDC is to be filled on regular basis only through examination conducted by Staff Selection Commission and despite ample

17

opportunity granted by respondents to applicant to appear in the qualifying exam. conducted by SSC in 1988, 1989, 1990, 1991 and 1992 to enable them to regularise his service, applicant failed to avail of the opportunity.

4. Applicant's counsel has relied upon a CAT Cuttack Bench ruling in OA No. 525/94 Shri N.P. Panigrahi Vs. UOI & Ors. delivered on 6.1.99 in which under somewhat similar circumstance, that Bench had directed respondents to regularise that applicant's services by granting him age relaxation, while doing so it had cited a ruling of the Hon'ble Supreme Court in Bhagwati Pd. Vs. Delhi State Mineral Development Corp. AIR 1990 SC 371.

5. However, respondents in their reply have stated that in similar circumstances, the Tribunal had dismissed an OA which had been upheld by the Hon'ble Supreme Court in 1994 (6) SCC 36 M.B. Chota Bhai Patel Vs. Jt. Agricultural & Marketing Advisor, GOI. This is not denied by applicant in his rejoinder.

6. As per RRs, posts of LDC are filled on the basis of qualifying in exam. conducted by SSC. Applicant was given several opportunities to qualify, but he failed to do so. Any direction to respondents to regularise applicant would therefore be in violation of the RRs, and the CAT Cuttack Bench's order in Panigrahi's case (supra) which incidentally does not appear to have noticed the Hon'ble Supreme Court's ruling in Patel's case (supra) must be therefore treated as per incurium.

7. In so far as recommending applicant's name for regularisation in any PSU is concerned, PSUs have their recruitment rules and procedure, and no such direction

can be given to respondents.

8. Under the circumstance, we are unable to grant the relief prayed for by applicant. The most that can be done for him is to direct respondents not to replace him with another adhoc employee, and in case he continues to be engaged by them, to allow him to continue till a regularly selected candidate becomes available.

9. The OA is disposed of in terms of para 8 above.  
No costs.

A.Vedavalli

( DR.A.VEDAVALLI )  
MEMBER (J)

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

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