

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 2327 of 1996

New Delhi, dated this the 11th February, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri S. Nedunchezian,
S/o Shri K. Senni Veerappan,
83-C, Sector-IV,
Pushp Vihar,
New Delhi-110017.

... APPLICANT

(By Advocate: Shri N.K.Sahoo)

VERSUS

1. Union of India
through the Secretary,
Ministry of Commerce,
Udyog Bhawan,
New Delhi.

2. The Secretary,
Dept. of Personnel & Training,
3rd Floor,
Lok Nayak Bhawan,
New Delhi-110003.

... RESPONDENTS

(By Advocate: Shri K.C.D.Gangwani)

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicant seeks quashing of order dated 16.7.96^(Ann-1) reverting him from the post of ad h oc L.D.C. to his substantive post as Peon (Group D) and for regularisation as L.D.C. with consequential benefits retrospectively.

2. Applicant and others had earlier filed O.A. No. 2589/92 against the impugned order dated 10.8.92 reverting them from the post of LDC to their substantive post of peon in Group D which was disposed of by judgment dated 30.7.93 with a direction to the respondents to adjust them as far as possible against remaining vacancies after allowing those nominated by S.S.C. to join against

direct recruit vacancies. Respondents were also directed to regularise the services of those applicants who had been officiating as LDC for more than one year in consultation with SSC on the basis of evaluation of their work and conduct based upon their ACRs. On that judgment the respondents sought certain clarification through M.A. No. 3885/94 which was disposed of by order dated 5.12.94 directing respondents while regularising the services of applicants to proceed strictly in accordance with law. C.P. No.202/95 filed by applicant and others alleging reversion w.e.f. Oct. 1995 was dismissed on the ground that it did not constitute contempt of the Tribunal's judgment dated 30.1.93, and if advised the applicants could challenge the order of Sept./Oct. 1995 through an independent application.

3. Respondents now point out in their reply, to which no rejoinder has been filed, that according to CSCS Rules all posts of LDCs under them are filled up:

- i) 80% through SSC
- ii) 10% through Ltd. Deptl. Comp. Exam.
- iii) 5% through meritorious sports persons nominated by DOPT
- iv) 5% through promotion of educationally qualified Group D employees in order of seniority subject to rejection of unfit.

They state that nominations under (i), (ii) & (iii) have already been made by DOPT and Ministry is competent to fill up only vacancies under (iv). We are informed that under this 5% quota there are still 6 persons senior to the applicant awaiting promotion in

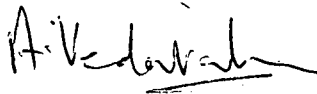
8

their turn. Respondents' counsel has stated at the bar that the applicant's case for promotion will be considered on his turn.

4. From the above recital it is clear that applicant has been promoted to the post of L.D.C on ad hoc basis and likewise reverted from that post from time to time.

5. Applicant's counsel has asserted that some vacancies of LDCs were available in respect of earlier years against one of which he could have been adjusted. This contention has been denied by respondents. Sufficient materials are not available with us to arrive at any conclusion on this contention and it is open to the applicant to represent to the respondents separately in this regard, but even if any vacancy of earlier years were available, manifestly those senior to the applicant would have a prior claim for regularisation.

6. In the light of the above, there are no good grounds to intervene judicially in the matter. The O.A. is dismissed. No costs.



(DR. A. VEDAVALLI)
Member (J)
/GK/



(S.R. ADIGE)
Member (A)