

11

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.1260 of 1997

New Delhi, this 8th day of October, 1997.

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN(J)
HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

Smt. Neenu Rani
W/o Shri Bijendra Kumar
R/o Flat No.1040
Delhi Administration Flats
Near Mayur Vihar Phase-II
New Delhi-110 091. ... Applicant

By Advocate: Shri V. K. Rao

versus

Union of India, through

1. Secretary
Ministry of Information &
Broadcasting
Shastri Bhawan
New Delhi.
2. Director of Film Festivals
Ministry of Information &
Broadcasting
4th Floor, Lok Nayak Bhavan
Khan Market
New Delhi-110 003. ... Respondents

By Advocate: Shri S. M. Arif

O R D E R (ORAL)

Dr Jose P. Verghese, VC(J)

The applicant had filed earlier an application vide OA.No.2050/96 which was decided by an order dated 4.10.96. This Court had rejected the said OA stating that the applicant was working under a Contractor and had no locus standi to file the said OA for reliefs under the Administrative Tribunals Act. S.L.P. filed against the said order was also dismissed. The

12/10

12

case of the applicant is that the applicant was initially appointed on a purely temporary basis by an order dated 2.12.93 as Telex Operator in the pay scale of Rs.950-1500. According to the respondents the Telex Operator post is in one grade higher namely, Rs.1200-2040 and the applicant could not be regularised in any manner against the said post and much less since the applicant was working at the given time under a contractor. The applicant submitted that even though she was initially pointed on purely temporary basis with effect from 2.12.93, she continued to work with the respondents under the Contractor since May 1995, and the applicant is still working under the Contractor and the payment to her is given by the Contractor only.

In the meantime, the respondents passed an order dated 23.5.97 redesignating the post of Telex Operator in Group 'C' in the pay scale of Rs.1200-2040 as Upper Division Clerk in Group 'C' in the same pay scale. The Recruitment Rules for this purpose also indicate that the post is in the pay scale of Rs.1200-2040. The applicant submitted that this OA has been filed after the said order on redesignation had been passed by the respondents, which, according to the applicant is issued only for the purpose of frustrating the claim of the applicant. The respondents on the other hand submitted that in the light of the rejection of the earlier OA as well as the S.L.P. filed against the same, there is no right now

4/10


13


accrued to the applicant and the question of frustrating of the applicant's interest does not arise.

In the light of the order passed by the respondents on 23.5.97, we do consider that the respondents have absolute power to designate or re-designate a post in accordance with the exigencies of service. We must also state that they have the power to engage a person on regular basis or transfer on deputation basis (including short-term contract/contract) in accordance with the Rules.

It is stated by the respondents that till today no recruitment has taken place to the post of Telex Operator which is now designated as U.D.C. in the pay scale of Rs.1200-2040. It will only be in the interest of justice if the respondents are directed to consider the case of the applicant at the time when respondents decide to fill up the said post in accordance with the rules and the claim of the applicant shall also be considered alongwith the others.

With this, the OA is disposed of. No order as to costs.


(K. MUTHUKUMAR)
MEMBER(A)


(DR JOSE P. VERGHESE)
VICE CHAIRMAN(J)

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