

Central Administrative Tribunal, Principal Bench

O.A.No.2215/97

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 2nd day of March, 1998

Shri Prahlad Kumar  
s/o Jagdish Chander  
r/o H-2, Mohan Garden  
Rama Park Road  
Uttam Nagar  
New Delhi - 110 059. ... Applicant  
(By Shri Narender Sharma, proxy of Shri Anil Mittal,  
Advocate)

Vs.

1. Sales Tax Department  
Govt. of National Capital Territory of Delhi  
Sales Tax House  
I.P.Estate  
New Delhi - 110 002.  
(through its Commissioner).
2. Ministry of Finance  
Govt. of National Capital Territory of Delhi  
5, Sham Nath Marg  
Delhi  
(through its Secretary). ... Respondents  
(By Shri Rajinder Pandita, Advocate)

O R D E R (Oral)

The applicant claims that he was engaged as a Driver on daily wage basis by Respondent No.1 for a period of 89 days w.e.f. 1.8.1996. This period was extended, from time to time, till 31.7.1997 when his services were discontinued. Applicant submits that there is a permanent requirement of drivers with the respondents and therefore he requested the respondents for regularisation as he had completed continuous service of more than 240 days. However, the respondents have failed to take any action in the matter. He has now approached this Tribunal with a prayer that the respondents be directed to regularise his services as Driver or in the alternative continue him as Driver in preference to other new comers and juniors. While the OA was pending, the applicant also filed an MA No.2788/97 stating that he has received a memorandum dated 19.9.1997 from the respondents wherein it has been stated that

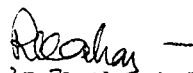
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certain drivers were being appointed by the respondents and if the applicant fulfils the qualifications as given in the said memorandum he should also report to the respondents on 25.9.1997 for written/skill test in driving. Accordingly, the applicant reported for the said test and was informed that he had passed and would be called for the interview for final selection in which six drivers were to be selected. He submitted that although the interviews were proposed to be held on 1.12.1997, he had not been called for the said interview.

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2. The respondents filed a reply to the MA stating that the applicant had also been issued the interview letter on 10.11.1997 asking him to appear on 1.12.1997.

3. I have heard the learned counsel on both sides. The learned counsel for the applicant submits that as he had worked for more than 240 days, he is entitled to preferential treatment for selection as driver. I find no merit whatsoever in this plea. Admittedly, the post of a driver is a Class-III post and it has its own Recruitment Rules. The applicant on the basis of his past services <sup>can</sup> at ~~the~~ best <sup>n</sup> claim to be considered along with others for appointment as per the Recruitment Rules. It is admitted by the learned proxy counsel for the applicant that applicant has indeed been called and has also been interviewed. The applicant has only a right to be considered and no vested right for regular appointment. In view of this position, no interference is called for by the Tribunal as his allegation that he had not been called for interview has been found to be without any basis. The OA is accordingly dismissed. No costs.

  
(R.K. Ahooja)  
Member(A)

/rao/