

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA.No.205 of 1994

Dated New Delhi, this 21st day of November, 1994

Hon'ble Mr Justice S. K. Dhaon, Vice Chairman (J)  
Hon'ble Mr B. K. Singh, Member (A)

Smt. Namita Hore  
W/o Shri G. C. Hore  
R/o Quarter No. 2194  
Lodhi Road Complex  
NEW DELHI.

... Applicant

By Advocate: Shri G. D. Gupta

Versus

Union of India, through

1. Secretary  
Government of India  
Ministry of Personnel, Public Grievances  
and Pensions  
Department of Personnel and Training  
North Block  
NEW DELHI-110 001.

2. The Development Commissioner (Handicrafts)  
Ministry of Textiles  
West Block No. 7  
R. K. Puram  
NEW DELHI-110 066.

3. The Senior Director (M)  
National Handicrafts & Handlooms Museum  
Government of India  
Ministry of Textiles  
Pragati Maidan  
NEW DELHI.

... Respondents

By Advocate: Shri M. M. Sudan

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O R D E R

(ORAL)

Mr Justice S. K. Dhaon, VC (J)

The short question which arises for consideration in this case is whether, having regard to the peculiar facts and circumstances of this case, the applicant is entitled to be placed on the strength of the Central Surplus Cell with the Department of Personnel and Training.

2. A counter affidavit has been filed by the respondents. Rejoinder affidavit too has been filed to this OA. Though the OA has not been formally admitted so far, yet we proceed to dispose of this OA as the point raised is very short.

3. The material averments in the counter affidavit are these. The applicant was appointed as Textile Binder on daily wage basis initially for a period of three months, with effect from 10.10.85. Her appointment was made on ad-hoc basis. She joined duty in that capacity with effect from 17.3.86. While giving her appointment on ad-hoc basis, it was clearly indicated in the letter of appointment that the appointment will not confer upon her any right for regularisation, seniority and confirmation in the grade. She was appointed on regular basis on the post of Textile Binder with effect from 13.3.92 and continued to hold that post till 21.5.93 when an order terminating her services was passed. The post of Binder (Textile) along with other posts, was abolished and the incumbents working on these posts were declared surplus with effect from 27.3.92. The applicant too was declared surplus and her services were placed at the disposal of Central Surplus Cell of Department of Personnel and Training. The department concerned made recommendations that in her case regularisation should be

given. However, vide letter dated 22.5.93, the Department of Personnel and Training has stated that she is not eligible to be declared surplus in accordance with rule 2(g) of the CCS(Redeployment of Surplus Staff)Rules,1990.

4. We have before us the Central Civil Services(Redeployment of Surplus Staff)Rules,1990. The Rules have been framed under Article 30 of the Constitution. Rule 2(g) provides:

"Surplus staff' and 'surplus employee or employes' means the Central Civil Servants (other than those employed on ad-hoc, casual, work-charged or contract basis) who -

(a) are permanent or, if temporary, have rendered not less than five years' regular continuous service."

5. Obviously, inspite of the recommendations of the Department concerned, the Department of Personnel and Training has not taken into consideration the services rendered by the applicant with effect from 17.3.86 to 13.3.92. It is not necessary for us in this case to give our interpretation to the provision of Rule 2(g) because we feel that on equitable considerations, the Department of Personnel and Training should have given a relaxation to the applicant as recommended by her parent department. It is not the case of the respondents that there was any break of service of the applicant between the date of her appointment on ad-hoc basis and the date from which her services were regularised. It is also not their case that during the said period, the services rendered by the applicant were not satisfactory. The Department of Personnel and Training, in our opinion, in this case, is taking a hyper-technical view.

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6. We, therefore, direct the respondents to treat the applicant as being entitled to be put in the Surplus Cell.

7. With these directions, this OA is finally disposed of, but without any order as to costs..

(B. K. Singh)  
Member(A)

(S. K. Dhaon)  
Vice Chairman(J)

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