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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No. 2192/94

New Delhi: Dated the 11th April, 1996.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J)

Shri Prabhat Chand,
S/o Late Kalsu Ram,
R/o 31, Sardar Patel Marg,
New Delhi-110021

.....Applicant.

By Advocate Shri K.C.Mathur.

Versus

Union of India through

1. Secretary,
Ministry of Food Processing Industries,
Panchsheel Bhawan, Khelgaon Marg,
New Delhi-110049.

2. Joint Secretary (Admn)
Ministry of Food Processing Industries,
Panchsheel Bhawan, Khelgaon Marg,
New Delhi-110049.

.....Respondents.

By Advocate Shri M.M.Sudan.

JUDGMENT (ORAL)

By Hon'ble Shri S.R.Adige, Member(A).

We have heard Shri Mathur, counsel for the applicant and Shri Sudan, counsel for the respondents.

2. We have also noted the contents of the respondents' O.M. dated 13.7.95 offering the applicant the grant of a temporary status in Group 'D' post w.e.f. 1.9.93. However, there is a rider attached, which states that the applicant will not be considered for regularisation to that post because he does not fulfil the conditions laid down by Department of Personnel and Training for such regularisation.

3. Shri Sudan states that what stands in the

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way of the applicant's regularisation is the fact that he is overaged. On the other hand we note that the applicant has been working continuously as a driver which is a Group 'C' post since 29.9.88 and there is no averment on the part of the respondents that the applicant's work and conduct has been anything less than satisfactory. Applicants' counsel states that his client is willing to accept the offer for grant of temporary status as a Group 'D' employee, which is certainly a come down from Group 'C' status, in the expectation that he will be considered for regularisation in Group 'D' in due course, which is ^{not an} unreasonable expectation.

4. In the particular facts and circumstances of this case therefore and without treating it as a precedent, both counsel agree that this OA may be disposed of with a direction to the respondents that after granting the applicant temporary status a Group 'D' employee w.e.f. 1.9.93 in terms of respondents' O.M. dated 13.7.95, they should consider sympathetically the question of granting the applicant age relaxation, when they take up the regularisation of Group 'D' employees against available vacancies in turn and in accordance with the extant rules and instructions on the subject.

5. This O.A. stands disposed of in terms of paragraph 4 above. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A).