New Delhi, this the 1st February,1995

Hon'ble Shri J.P. Sharma, Member(J) •
Hon'ble Shri B.K. Singh, Member(A)

Shri Bhopal Singh,
s/o Shri Madan Singh
r/o G-71, Kingsway Camp,
Dhaka Colony,
Delhi.   ... Applicant

By Advocate: Shri M.L. Verma

          Vs.

1. Union of India
   through the Chief Secretary,
   Delhi Administration(NCTD),
   5, Alipur Road,
   Delhi.

2. The Deputy Commissioner,
   Officeof the Deputy Commissioner,
   Tis Hazari,Delhi.   ... Respondents

By Advocate: None

JUDGEMENT (ORAL)

Hon'ble Shri J.P. Sharma, Member(J)

          The case of the applicant is that he joined
on adhoc daily rated basis as Driver in the office of
Deputy Commissioner,Delhi. He has initially joined
on 11.5.88. However his services were terminated
w.e.f. 11.12.90 and aggrieved by the same, he filed
O.A. No.234/91 which was decided by the Principal
Bench by the order dated 8.11.91 giving direction
to the respondents that the order of termination of
the applicant is quashed and he shall be reinstated
in service without any back wages. In pursuance of
this order, the applicant was reinstated in service.
Subsequently the respondents issued a circular
inviting application for filling up this post on
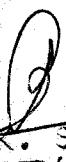regular basis on 13.1.92 for which the D.P.C. was

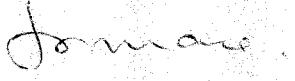   ...2.

held on 14.2.92 wherein one Suresh Kumar was recommended
and was appointed. The applicant assailed that order
of appointment of Suresh Kumar by filing O.A.No.1589/92
which was decided by the Principal Bench on 16.10.92 in
which the Tribunal did not issue any direction to the
respondents and left the matter open to the executive
whether to fill up the post by creating any supernumerary
post or not. The applicant filed S.L.P. before the
Hon'ble Supreme Court against the judgement and the
SLP was dismissed by the Hon'ble Supreme Court by the
order dated 3.8.93. Before this date the applicant
had moved M.P. in O.A.No.1639/92 (M.P. No.2479/92)
and the M.P. was disposed of by the order dated
8.7.93 that if there is any vacancy, the respondents
shall consider the case of the petitioner.

2.   The applicant filed this application on
13.12.94 in which notice was issued to the respondents
and interim relief was also granted by the order
dated 19.12.94 that thecaseof the applicant be
considered for engagement as casual/adhoc driver
if there are any vacancies. Such consideration
may be done as per rules and the applicant shall
be given preference to those junior to him and
freshers. That interim order has been continued
and the respondents were also asked to show cause
against this order. The file shows that the Registry
has issued notice on 23.12.94. More than one month
has passed and the acknowledgement due of the Registry
has not been received. Service on the respondents
has therefore taken as complete.

3.   Shri M.L. Verma appears for the applicant and states that the case of the applicant be considered if there is **vacancy** available and if he is given appointment as per rules in preference to freshers if he is otherwise eligible and fit. The learned counsel for the applicant has also referred to the fact that the respondents have engaged Shri Bural Lal and Sukhpal Singh as drivers on emergent basis. However, we find that in this case that already the applicant has approached the Tribunal in O.A.1639/92 by filing M.P.No.2479/92 which was disposed of by the Principal Bench on 8.7.93 in which it was ordered if there is a vacancy, the respondents shall consider the case of the applicant for regularisation on merits according to law. This O.A. was therefore disposed of with the direction.

4.   In view of the above facts and circumstances, the applicant is free to apply to the respondents to consider his case for appointment either on regular or on adhoc basis if the vacancy exists and if the rules permit giving the relaxation of age atleast for the period he has already worked on the rolls as casual basis. Application is disposed of accordingly.

(B.K. SINGH)   (J.P. SHARMA)
MEMBER(A)   MEMBER(J)

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