

Central Administrative Tribunal
Principal Bench, New Delhi.

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O.A. Nos 1694/94
OA No. 1695/94
& OA No. 1697/94

New Delhi, the 4th May, 1995

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

O.A. No. 1694

Shri Mohan Lal
working as Sewerman
in the Central Road Research Institute
Maharani Bagh Staff Quarters, C.R.R.I.,
Maharani Bagh,
New Delhi.

O.A. No. 1695

Jille Ram
working as Helper 'A'
in the Central Road Research Institute,
Maharani Bagh Staff Quarters, CRRI,
Maharani Bagh, New Delhi.

O.A. No. 1697

Shri Shahbuddin Khan
working as Carpenter
in the Central Road Research Institute,
Maharani Bagh Staff Quarters, CRRI
Maharani Bagh, New Delhi
(By Shri K.N. Bahuguna, Advocate)

Applicants

Versus

Council of Scientific & Industrial
Research 'ANUSANDHAN BHAVAN',
Rafi Marg,
New Delhi- 110 001 through
its Joint Secretary (Admn.)

Director,
Central Road Research Institute,
P.O. CRRI, New Delhi- 110 020.
(By Shri V.K. Rao, Advocate)

Respondents in
all the aforesaid
O.As.

JUDGEMENT (ORAL)

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

(9)

All the applicants referred to above have filed separate application under section 19 of the A.T.Act, 1985.

In O.A. No. 1694/94, the applicant Mohan Lal alleged that he was appointed as Safaiwala w.e.f. 1.2.1981 as a workcharged employee in the then existing pay scale of Rs. 196-232/-. However, the workcharged employees were considered for regularisation and in the case of the applicant, a trade test was conducted vide letter dated August 11, 1992 and also considered educational qualification attained by such appointee upto 12.1.1994. Since the applicant Mohan Lal lacking the necessary required prescribed educational qualification, his case was referred to the Government Body, C.S.I.R. by the impugned order dated 8th August, 1994 but the applicant has not been regularised, so he filed this application on 23rd August, 1994 praying for the reliefs that the respondents be directed to regularise the services of the applicant as Safaiwala/Sewerman and that the respondents be directed not to terminate the services of the applicant.

Shri Jille Ram, the applicant in O.A. No. 1695/94, alleged that he was appointed as workcharged employee on 22.3.1982 and continues to work as Cleaner/Helper and since he has not been regularised and a similar order of dated 8th August, 1994 regarding his regularisation

has been issued by Controller of Administration which has also been issued in the case of Mohan Lal (Supra). Since he has not been conveyed any result of regularisation, he filed the present application in August, 1994 praying for almost all the similar reliefs as has been prayed for by Shri Mohan Lal (supra).

Shri Shahabuddin, applicant in O.A. No. 1697/94, was also appointed to the post of Carpenter on 1.6.1981 as a workcharged employee and has been continuing on that post. He has also been issued a similar letter dated 8th August, 1994 by the Controller of Administration for intimating his educational qualification. Shri Shahabuddin has also not been conveyed any information about the regularisation on the said post.

Respondents in all the original applications have filed the reply contesting the relief prayed for by the applicants but they have taken a similar stand in all these cases that the applicants do not fulfil the qualifications required for appointment to the post of Cleaner/Helper/Sweeper/Sewerman. It is said that minimum educational qualification 8th pass is required while in the case of Mohan Lal he is only 4th standard passed; in the case of Jille Ram he is only 7th standard passed and in the case of Shahabuddin, educational qualification essential is 8th standard passed but he is only 5th standard passed and holds a national certificate of carpentry. The respondents, therefore, opposed the

regularisation of the applicants on the ground that according to the recruitment rules, the prescribed educational qualification are lacking in all the three aforesaid applicants and as such the Governing Body has decided not to regularise them on a Group 'D' post.

We have heard the learned counsel Shri K.N. Bahuguna at considerable length and perused the record. Shri V.K. Rao, however, prayed for sometime to get instructions from the department but in the manner we are disposing of the matter, we find that further instructions are not required in this case from the department/respondents.

The recruitment rules are to be observed strictly in the letter of spirit. If there are any administrative instructions that ~~too~~ have ~~to be~~ observed. But when the applicants have been given appointment to a post, though may be on workcharged basis, but they were made to discharge function for the post to which they have been appointed and they are doing job required since last more than 14 years or so, it is within the realm of administration to consider such persons for regularisation after giving relaxation in suitable cases depending upon their efficiency and manner they have conducted themselves in all these years on the job requirement desired by the respondents.

We, therefore, do not express any opinion on merit in this case. We have put straight query to the learned counsel for the applicant Shri Bahuguna who stated that the applicants shall be satisfied if the respondents



consider the case of the applicant after considering some relaxation with regard to educational qualification as well as age. ^{Every} recruitment rules or administrative instructions has inherent power in itself to relax the rules in suitable and deserving cases. If the respondents come to a positive conclusion that the applicants have been discharging their duties as said above satisfactorily and efficiently then the experience they have gained in all these years may outweigh the educational qualifications prescribed for the job.

In view of the above facts and circumstances, we dispose of all these application with the **observation** that the respondents may consider again all these applicants and if being fit they may be **considered for giving** ^{by the} **relaxation/** Governing Body on the basis of their performance and work and duties since their appoint as workcharged employee with the respondents. This will, however, require that they should pass the trade test as is required for the trade of carpenter or other trade, if any of them do not make mark in the trade test, then even relaxation of educational qualification will not give any claim for regular appointment or regularisation to a group 'D' post. Cost on parties.

A copy of this order be kept in the files of all the aforesaid O.A.s.

(B.K. SINGH)
MEMBER (A)

(J.P. SHARMA)
MEMBER (J)