

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1088/2000

New Delhi, this the 17th day of October, 2001 (20)

HON'BLE MR. S.A.T. RIZVI, MEMBER (J)

1. Ms. Geeta Saini,
2515/93, Tri Nagar, Delhi-110035
2. Ranjit Jha,
E-3, Welcome Seelampur, Delhi
3. Rajinder Kumar,
115/8, Shiv Mandir, Wazirabad,
Delhi
4. Deep Chand,
115/8, Shiv Mandir, Wazirabad,
Delhi
5. Mukesh Kumar,
Vill. Sutandi, PO Garsani,
Distt. Agra, UP Applicants
(By Advocate: Shri B.B. Raval, proxy counsel for
Shri A.K. Behera)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary,
5, Shamnath Marg, Delhi
2. Secretary (Revenue),
Tis Hazari Court Complex,
Delhi
3. Divisional Commissioner,
Under Hill Road, Civil Lines,
Delhi-110 054
4. Addl. District Magistrate (Hq)
Room No: 139, Tis Hazari Court Complex,
Delhi - 110054 Respondents
(By Advocate : None)

O R D E R

None appeared on behalf of the respondents even
on the second call.

2. Shri B.B. Raval appeared as proxy counsel
for Shri A.K. Behera, learned counsel for the applicant
only to inform the Court that Shri Behera was busy

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elsewhere. Record shows that none had appeared for the applicants on the previous date, namely, on 28.9.2001, and further that adjournment was granted on the request of Shri A.K. Behera only on 21.9.2001. Accordingly, the OA has been taken up for disposal in accordance with rules 15 and 16 of the CAT (Procedure) Rules, 1987. The pleadings placed on record have been perused.

3. Applicants, 5 in number, were engaged as Data Entry Operators (DEOs) in the Office of Deputy Commissioner, Government of NCT of Delhi, w.e.f. 2.8.1994, 4.8.1994, 5.8.1994, 5.8.1994 and 28.9.1994 respectively. They continued to work as DEOs in the same Office, later designated as the Office of Secretary (Revenue) till 30th March, 1997. On that date, according to the applicants, they were prevented from discharging their duties and responsibilities as DEOs. As such they have remained out of work ever since 31st March, 1997. Aggrieved by their non-engagement as DEOs and also on account of non-payment of their wages, they approached this Tribunal through OA No.2288/1996. The same was decided on 16th May, 1997. The following orders, inter alia, were passed by the Tribunal in that OA:-

"5. As far as regularisation of the applicants is concerned, we are of the opinion that this being a group C post and recruitment is regulated through Staff Selection Commission, as and when the posts are created and if it is decided to be filled by selection, applicants are entitled to compete with all outsiders in accordance with the rules against the circular to be issued by the respondents with age relaxation. (emphasis supplied)

6. Respondents shall also continue to engage these applicants as DEOs if they desire to continue with the present volume of work, namely, data entry of land records now being undertaken and it is directed that they shall continue to engage these five persons in preference to newcomers till they decide to create and fill up the post or regularisation in accordance with law." (emphasis supplied)

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Clearly, by the aforesaid order, insofar as the present OA is concerned, two different reliefs were given to the applicants. One of the reliefs given permitted the applicants to apply as and when regular posts were notified by the respondent-authority without being subjected to the requirement of age. The other relief gave them the opportunity to be re-engaged as DEOs in preference over new comers as and when work became available in the respondents' establishment.

4. The applicants' grievance is that, notwithstanding the availability of work for DEOs, the respondent-authority has refrained from creating the desired number of posts and this action on the part of the respondent-authority prevents the applicants from applying for regular posts and thereby getting properly employed. The further grievance raised is that although ultimately the respondent-authority has created 10 posts of DEO, the applicants have not been given any information in that regard to enable them to pursue the matter for their respective claims being considered.

5. The respondents have, in reply to various averments made by the applicants, submitted that after

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requisite budgetary provisions were made, 10 posts of DEO were created with the approval of the Lt. Governor on 14.7.1998. One of these posts related to DEO Group 'C'. The remaining 9 related to DEO Group 'A' post. In accordance with the procedure in vogue, the above mentioned vacancies were notified to the DSSSB. The Secretary, DSSSB was, at the same time, informed of the order dated 16.5.1997 passed by this Tribunal for necessary action. According to the respondents, the applicants have suppressed material information by stating that they were not informed about the creation of the aforesaid 10 posts.

6. The respondents have further submitted that four out of the five applicants had actually applied and their candidature was duly considered by the DSSSB. The fifth applicant, namely, Shri Deep Chand S/o of Shri Lakhmi Chand did not apply however. According to the information supplied by the DSSSB and the respondents, none of the four applicants who appeared in the examination organised by the DSSSB qualified in the proficiency test based on their respective performances in the written test. The respondents have submitted that, in the circumstances, the OA deserves to be dismissed on merits as well as on the ground that the applicants suppressed material information from the Tribunal when they stated in the OA that they were not kept in the picture at the time of recruitment against the aforesaid 10 posts.

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7. For the reasons mentioned in the preceding paragraphs, the OA is found to be devoid of merit and is dismissed. There shall be no order as to costs.

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S.A.T. RIZVI

(S.A.T. RIZVI)
MEMBER (A)

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