

Central Administrative Tribunal, Principal Bench

Original Application No.504 of 2000

New Delhi, this the 11th day of July, 2000

Hon'ble Mr.Justice Ashok Agarwal Chairman
Hon'ble Mr.V.K.Majotra, Member (Admnv)

1. Smt. Syamala S.Pillai, Wife of Shri C.S.Pillai, aged 38 years, Resident of 58/7, C.V.D.Lines, Delhi-Cannt.
2. Smt. Manmohan Kaur, Wife of Shri Narinder Singh, aged 38 years, Resident of: K-203, Jahangir Puri, Delhi-33.
3. Ms.Asha Rani, D/o Shri H.L.Arora, aged 39 years, resident of: 8/8, Ashok Nagar, New Delhi-110018.
4. Smt.Neelu Pant, W/o Shri Avinash Pant, aged 38 years, resident of -
5. Smt.Neelam Ahuja, W/o Shri B.K.Ahuja, resident of 155 A/ii, Partap Nagar, Gurgaon, aged 38 years. - Applicants

(By Advocate Shri K.L.Bhandula)

Versus

1. Union of India through Secretary to the Govt. of India, Ministry of Health, Nirman Bhavan, New Delhi.
2. Director General of Health Services, Govt.of India, Nirman Bhavan, New Delhi.
3. The Principal, Lady Hardinge Medical College & Smt.S.K.Hospital, New Delhi. - Respondents

(By Advocate Shri K.R.Sachdeva)

ORDER (Oral)

By Justice Ashok Agarwal, Chairman:-

Applicants who are five in number joined service of Lady Hardinge Medical College as Lower Division Clerks in the year 1986 after being sponsored by the Employment Exchange. Initially their appointment was on adhoc basis for a period of three months or till the post is filled on regular basis. Which ever is earlier. They were appointed on adhoc basis as they had not been selected through the Staff Selection Commission which was the normal mode of recruitment. After being

appointed for a period of three months their services had been continued from time to time on adhoc basis and they ^{have} continued as such as LDC till date. Their last extension has been directed by an order passed on 1st February, 2000 at Annexure-I whereby their services have been continued up to 31st March, 2000 or till the posts are filled up on regular basis whichever is earlier. Since applicants apprehended their termination after 31st March, 2000, they have approached this Tribunal by instituting the present OA. They have continued to be in service till date in pursuance of interim order passed in this OA on 31st March, 2000.

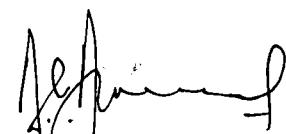
2. After applicants had worked for about a period of 8 years on adhoc basis, on a representation being made on their behalf, they were permitted to appear for a special test held in 1994. At the said test the applicants did not qualify. Their services have, however, been continued from time to time as said hereinabove till date. Their continuance has been on account of non-availability of regularly selected candidates from the Staff Selection Commission.

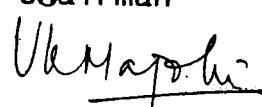
3. As far as the applicants are concerned, they were all youngsters and ~~single~~ ^{single} ~~bachelors~~ at the time of their initial appointment. They have now grown up and are in aged- group of 38-39 years with, barring one, all having school going children. They have now put in 14 years of service. As far as their performance at their job is concerned that has been found to be satisfactory. No complaint has been made. In the circumstances we find that it will be too harsh and too inequitable at this late stage to ask them to go home. In any event we find

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that a case is made out for issuing recommendations to the respondents to once again permit them to appear for a special test to be conducted by Staff Selection Commission. While considering their claim for regular appointment through the Staff Selection Commission we hope that the Commission applies relaxed conditions and gives them the requisite relaxation on the basis of the experience gained by them during aforesaid period of 14 years. Till such time that the applicants are accordingly tested, their services should not be replaced by fresh appointees. If they fail to qualify even after complying aforesaid relaxed conditions their services will be liable to be terminated only after regularly selected candidates from the Staff Selection Commission become available. Aforesaid selections, as far as the applicants are concerned, are to be carried out expeditiously and in any event within a period of one year.

4. Present OA is allowed in afore-stated terms.
No order as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (Admnv)

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