

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 531/2000 with
M.A. No. 937/2000

New Delhi this the 16th day of May, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Mr. V.K. Majotra, Member (A)

1. Shri Bidhu Ram
S/o Shri Bhajan Lal
R/o 60, Raj Nagar,
Safdarjung Enclave,
New Delhi-110 029.
2. Shri Anil Kumar
S/o Late Shri Mashanand
R/o 3/353, Andrews Ganj,
New Delhi-110 049.
3. Shri Surendra Singh Rawat,
S/o late Shri Bhawan Singh,
63/750, Panchukua Road,
New Delhi.
4. Shri Vijay Pal Singh
S/o Shri Likhi Ram
A-5/86, Rajbir Colony,
Garoli Extension, Delhi-96.

...Applicants

(By Advocate: Shri P.T.S. Murthy)

Versus

1. Union of India,
through the Secretary Govt. of India,
Ministry of Agriculture & Cooperation,
Krishi Bhawan, New Delhi-110 001.
2. Director of Administration,
Government of India,
Ministry of Agriculture Corporation
Directorate of Extension,
Krishi Vistar Bhawan, Pusa,
New Delhi.

...Respondents

(By Advocate: Shri K.K. Patel)

ORDER (Oral)

Smt. Lakshmi Swaminathan, Member (J)

MA-937/2000 was taken up initially. Respondents have prayed that the ad interim order dated 7.4.2000 may be vacated staying the reversion of the applicants. They have stated that applicants 1,3 & 4 have already been reverted to their original Group-D posts w.e.f. 31.3.2000, 5.4.2000 and 6.4.2000, respectively. Applicant No.2,

(10)

Shri Anil Kumar, has not been reverted despite the fact that one Shri Sandeep Negi, who has been duly recommended by Staff Selection Commission through direct recruitment had joined on 13.4.2000 because the interim order dated 7.4.2000 had been received by the respondents.

2. Shri P.T.S. Murthy learned counsel has submitted that in the meantime, by office orders dated 17.4.2000 and 26.4.2000, two other persons have been relieved as LDCs from the office of the respondents thereby creating two vacant posts of LDCs. Learned counsel has submitted that apart from these posts, there are four other sanctioned posts which can also be taken into account to adjust the applicants who have been working as ad hoc LDCs for a number of years. Shri Patal, learned counsel has submitted that as regularly selected LDCs who have been recommended by SSC through direct recruitment are awaiting posting as LDCs, they have a better right than the claims of the applicants who are only working on ad hoc basis, as a stop gap arrangement.

3. In view of the facts and circumstances of the case mentioned above, the interim order dated 7.4.2000 staying the reversion of the applicants is vacated. However, considering that the applicants have worked as LDCs, although on ad hoc basis for a number of years since 1997 onwards, in case the respondents have vacant posts of LDCs after they have appointed the duly selected SSC candidates, they shall consider appointing the applicants on ad hoc basis as LDCs.

MA-937/2000 is disposed of as above.

4. In the above circumstances, we have also heard both the learned counsel on the reliefs prayed for in the O.A. by them. In the O.A. the main relief is for a direction to the respondents to regularise the applicants in the post of Lower Division Clerks with

effect from their initial date of promotion. Respondents in their reply have admitted that the applicants are working on ad hoc basis since 1997, that is for about two years as LDCs although their substantive posts are ^{in B} Group-D. Shri K.K. Patel learned counsel has submitted that the applicants can be considered for regularisation subject to their fulfilment of the conditions laid down in the Recruitment Rules, including passing the necessary examination as prescribed.

5. Having regard to the above facts and circumstances of the case, the D.A. is disposed of with a direction to the respondents to consider the case of the applicants for appointment/regularisation in the post of LDCs in accordance with the relevant Recruitment Rules.

No order as to costs.

Let a copy of this order be issued immediately to both the parties.

V.K. Majotra

(V.K. Majotra)
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

cc.