

Central Administrative Tribunal
Principal Bench, New Delhi.

D.A.1274/89

New Delhi, This the 04th Day of April 1994

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

Hon'ble Shri S.R. Adige, Member(A)

1. Anil Kumar Sharma
Lower Division Clerk
Directorate General of Supplies & Disposals
New Delhi - 110001.

2. Iqbal Khan
General Secretary
Central Govt. Clerks Union
T-16, I.N.A. Colony
New Delhi.

...Applicants

By None

Vs

1. Union of India, through
The Secretary
Ministry of Supply
Nirman Bhawan
New Delhi.

2. The Director(Admn)
Directorate General of Supplies & Disposals
Jeewan Tara Building
Parliament Street,
New Delhi - 110001.

...Respondents

By None

O R D E R (Oral)

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

1. The applicant No.2 in the capacity of General Secretary of Central Secretariat Clerks Union have assailed the matter on non-issuance of extension order by the respondents i.e. extending the period of adhoc employment in favour of the LDCs and also that there is an eminent apprehension of the adhoc LDCs being reverted to the original post of Class IV. The applicants therefore prayed for the relief that the respondents be restrained from reverting the applicant No.1 and orders passed for reversion of several adhoc LDCs be not carried out.

2. At the time of filing this application by the order of 30-6-89 the applicants were not allowed to be reverted till the next date of hearing i.e. 11.7.89. This order was

...2/-

(b)

modified after hearing the counsels for the respondents that the applicant be allowed to continue in their present posts till their replacement of regular appointment of LDCs sponsored by SSC. If any reversion is made that should be on the basis of last cum first go. The respondents have contested this application and has stated that in accordance with the provision of rule 12 of the Central Secretariat Clerical Services Rules 1962 ten percent of the vacancies in LDC Grade are filled by appointment by promotion of Group D employees ~~aborned~~ on regular establishment working in the Ministry and offices pertaining to Central Secretariat Services Grade and 5 per cent of the vacancies are filled up on the basis of qualifying examinations held by the SSC and the remaining 5 per cent of the vacancies are filled up on the basis of seniority subject to rejection of unfit. The remaining 90 per cent of the vacancies are filled up by direct recruitment. The applicants had no right to claim the post as at the time of adhoc appointment it was made clear to such appointees in unequivocal terms that the appointment would be on adhoc basis for a specified period and the appointment on adhoc basis would not confer upon them any right for regular appointment.

3. None is present on behalf of the parties and we have gone through the records. The respondents have clearly explained in their reply that the post of LDCs could only be filled according to recruitment rules as envisaged in Rule 12 of CSCS rules 1962. The applicants ~~at no point of time~~ have cleared limited departmental qualifying examination nor they claim 5 per cent quota of the seniority cum suitability. Similarly applicant No.1 was given an adhoc appointment for a specified period will not entitle ~~the~~ the other incumbent to get regular appointment dehors the rule. This is not the case of the applicants that they have qualified their

examinations and that they are senior enough to come in the zone of consideration of the 5 per cent quota of vacancies. In view of this we do not find any merit in this application. The application is therefore dismissed and the stay granted earlier is vacated. No costs.

Mohga
(S.R.ADIGE)
Member (A)

Jamnani
(J.P.SHARMA)
Member (J)

LCP