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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2016/89

New Delhi, dated the 3th May, 1994.

Hon'ble Sh.B.N. Dhoundiyal, Member(A)
Hon'ble Smt.Lakshmi Swaminathan, Member(J)

1. Trilok Singh
28/13, M.B. Road,
Saket, New Delhi
2. Chander Singh,
D-11/192, Railway Colony,
Paharganj, New Delhi-55
3. Kanhaiya Jee,
RZ-6/350, Jagdamba Vihar,
near Masjid West Sagarpur,
New Delhi-46
4. Yog Raj,
Qr.No.333, Sector-V,
R.K. Puram, New Delhi-22

.. Applicants

(None for the applicants)

VERSUS

1. Union of India, through Secretary,
Ministry of Industry,
(Dept. of Industrial Development)
Udyog Bhawan, New Delhi.
2. The Secretary,
Dept. of Personnel & Training,
Govt. of India, New Delhi.

.. Respondents

(By Advocate Sh.Madhav Panikar)

ORDER(ORAL)

(Hon'ble Sh. B.N. Dhoundiyal, Member(A))

These applicants were initially appointed in Group 'D'
in the years 1978 and 1980 and ^{3W} were promoted as LDCs in the
years 1979 and 1983. Their contention is that they were appointed
^{3W}

to the posts of LDC after due selection as they possessed the minimum educational qualifications prescribed for this post. They are aggrieved by the impugned order dated 28.9.89 reverting them from the posts of LDC to the Group 'D' posts. They seek quashing of this order and regularisation as LDCs.

2. On 3.10.89, this Tribunal passed an interim order with a direction to the respondents to maintain status quo as regards the continuance of the applicants as LDCs. This order was later modified to provide that applicants shall not be reverted from the posts of LDCs. if there are vacancies after adjusting those selected by the Staff Selection Commission and if ad-hoc promotees with lesser period(s) of service continue to occupy the posts of LDC.

3. This case has been appearing in the regular cause list since 29.4.94 and was fixed today at Sl.No.8 among the 10 cases posted peremptorily for final hearing. Though called out twice, none appeared on behalf of the applicants. i.e., therefore, proceed to dispose of the O... on the basis of the pleadings on record as well as submissions made by the learned counsel for the respondents.

4. The Respondents have denied that the applicants were regularly appointed as LDCs and have explained, that in view of shortage of candidates against the direct recruitment quota, the applicants were appointed for short term but continued for some time due to non availability of

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direct recruitments. Such short term arrangements were made outside the statutory rules. However, when the candidates selected by the Staff Selection Commission become available, they had to be reverted.

5. According to statutory rules for recruitment to the post of LDC, 90 per cent of the posts are required to be filled by direct recruitment and remaining 10 percent by promotion from Group 'D' staff. The applicants did not belong to either of these two categories. ~~Registering 10% it has been held~~ ^{without such} by this Tribunal in their order dated 19.10.89 that it would neither be legal nor fair to allow the applicants to continue, as an interim measure, to hold the posts of LDC in preference to the candidates selected in accordance with the provisions of the statutory rules. *i.e.*, therefore, hold that the applicants cannot claim as a matter of right that they be appointed to the post of LDC in preference to the candidates who have come against 90 percent D.L. Quota from the Staff Selection Commission or in preference to those who have become eligible for promotion against 10% quota in accordance in their seniority. The C.R. is therefore, disposed of with a direction to the respondents that the applicants shall not be reverted to the post of LDC, if there are vacancies left after adjusting candidates selected by the S.S.C. or adhoc promotees with lesser period(s) of service as LDC continue to occupy these posts. There will be no order as to costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

B.N. Shoundiyal
(B.N. Shoundiyal)
Member (A)