

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

- 1) O.A. NO. 815/89
- 2) O.A. NO. 1005/89

New Delhi this the 18th day of March, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R.AOIGE, MEMBER (A)

O.A. NO. 815/89

1. Mrs. Indra Bathla,
W/O Shri R. K. Bathla,
R/O Sector-I/778,
R.K.Puram, New Delhi
at present working as
Librarian Grade-III,
Central Secretariat Library,
Shastri Bhawan, New Delhi.

2. Mrs. Charanjit Kaur,
W/O Shri Davinder Singh,
R/O J-3/231 DDA Flats,
Kalkaji, New Delhi
at present working as
Librarian Grade-III,
Central Secretariat Library,
Shastri Bhawan, New Delhi.

... Applicant

By Advocate Shri K. L. Bhandula

Versus

1. Union of India through,
Secretary, Ministry of Human
Resources (Deptt. of Culture),
Shastri Bhawan, New Delhi.

2. The Director,
Central Secretariat Library,
Shastri Bhawan, New Delhi.

3. The Secretary to the Govt. of
India, Ministry of Personnel,
Public Grievances & Pensions,
North Block, New Delhi.

... Responde

None for the Respondents

O.A. NO. 1005/89

Rajendra Kumar S/O N.S. Shami,
R/O L-159, Shastri Nagar,
Delhi - 110052.

At present working as
Librarian Grade-III,
Raja Ram Mohan Roy National
Educational Resources Centre,
Dept. of Education,
M/o Human Resources Development,
Curzon Road, New Delhi-1.

... Applicant

By Advocate Shri K. L. Bhandula

Versus

1. Union of India through,
Secretary, Ministry of
Human Resources (Dept.
of Culture), Shastri Bhawan,
New Delhi.
2. The Director,
Raja Ram Mohan Roy National
Educational Resources Centre,
Department of Education,
Ministry of Human Resources
Development, Curzon Road
Barracks, New Delhi.
3. The Secretary to the Govt.
of India, Ministry of Personnel,
Public Grievances & Pension,
North Block, New Delhi.

... Respondents

None for the Respondents

O. R. D. E. R. (ORAL)

Hon'ble Mr. Justice V. S. Malimath -

The three petitioners in these two applications started their career as ad-hoc Librarians Grade-III in December, 1983. They have continued in the said post eversince. According to them they have rendered very satisfactory service and that the department was very much in their favour having regard to their good performance and recommended their regularisation in the available direct recruitment vacancies. The Department of Personnel appears to have turned down their requests. Hearing that the petitioners would be displaced, they have approached the Tribunal for

relief. During the pendency of these applications, the petitioners were enabled to continue in service on the strength of interim orders granted by the Tribunal. Thus, in effect, the petitioners have rendered by now 11 years of service. From the pleading it appears that the department was itself in favour of regularisation of the services of the petitioners in the direct recruitment vacancies. We would like to say at this stage that as long as the petitioners possess the prescribed qualifications, it is not so relevant as to which qualification was acquired first and which qualification is acquired later. As long as they possess the required qualification they would certainly be eligible for consideration for regularisation. Another factor to be noticed is that it is not the case of the respondents that it has become necessary to displace the petitioners to accommodate persons duly selected for appointment for the posts occupied by the petitioners. In this background, having regard to all the circumstances, we consider it just and proper to dispose of these two applications with the following directions :-

- 1) The petitioners may submit an appropriate representation within a period of one month from this date to the authorities seeking regularisation of their services with a request to relax the provisions of relevant rules, if such relaxation is necessary.

2) The respondents shall consider the request of the petitioners with utmost sympathy and bearing in mind that the petitioners have rendered service for nearly more than a decade quite satisfactorily and would now be ineligible for other Government services. These circumstances eminently justify sympathetic consideration being shown to the request of the petitioners.

3) Until a decision is taken on the request for regularisation as aforesaid, the services of the petitioners shall not be terminated.

2. with these directions, these two applications are disposed of. No costs.

Let a copy of this order be sent to the respondents forthwith.

(S. R. Adige)
Member (A)

(V. S. Malimath)
Chairman

/as/

Attested
Suresh Kumar
23/3/99
Co. C.C.