

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/21/373/2020

HYDERABAD, this the 24th day of July, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



Bommasani Kumar, Gr.C
S/o. B. Giddaiah, Hindu,
Aged about 41 years,
Working as LDC in NARF-BR,
Turkapalli, Hyderabad,
R/o. Annapurna Colony,
Raghavendranagar,
Hyderabad – 500 076,
Telangana State.

... **Applicant**

(By Advocate: Mr. T.P. Acharya)

Vs.

1. Union of India rep. by its
Director General,
Indian Council of Medical Research,
V. Ramalingaswamy Bhavan,
Ansari Nagar, New Delhi – 110 029.
2. National Animal Resource Facility for
Biomedical Research (NARF-BR),
At Biotech Park, Genome Valley,
Turkapalli, Kolthur Post, Shamirpet,
Hyderabad – 500 101 rep. by its Director.
3. National Institute of Nutrition,
Indian Council of Medical Research,
Jamai-Osmania P.O.,
Hyderabad – 500 007 rep. by its Director.

... **Respondents**

(By Advocate: Mr. B.N. Sharma, SC for NIN)

O R D E R (ORAL)

Hon'ble Mr. B.V. Sudhakar, Admn. Member



2. The O.A. has been filed seeking conversion of the services of the applicant into that of a permanent one in pursuance of Office Memorandum dated 19.12.2016 issued by the Ministry of Finance, Government of India from the date of the said O.A. and granting of all consequential benefits.

3. The brief facts of the case are that the applicant was appointed as LDC in NNMB CRL, one of the projects in the 3rd respondent's institution, which is under the control of the 1st respondent vide Memo dated 24.02.2010 on consolidated pay. While so, there was a selection to the post of Lower Division Clerks in NCLAS during the year 2015, which is part of the 3rd respondent organization. The applicant was selected to the post of Lower Divisional Clerk vide appointment order dated 02.03.2015 and he joined the said post. However, the respondents served an Office Order dated 06.10.2015, cancelling the appointment order dated 02.03.2015. In the same order, it was stated that the applicant is allowed to continue in the post of LDC on temporary basis on consolidated salary till the regular selection process to fill up the vacant posts of LDC is completed. Subsequently, respondents have come up with new Recruitment Rules providing that the LDCs & UDCs, who are presently working, will be continued and they would be promoted as Assistants, or else, the posts of Assistant will be filled by Direct Recruitment. The applicant states that he is over aged for seeking appointment elsewhere and that his family is depending on him. Therefore,

he prayed that the Tribunal may direct the respondents to convert his services either in the category of Assistant or LDC on permanent basis as per O.M. dated 19.12.2016 of Govt. of India, by setting aside the Office Order dated 06.10.2015 issued by the 3rd respondent.



4. Heard both the counsel and perused the material on record.
5. The applicant initially joined as LDC in NNMB CRL on consolidated pay vide Memo dated 24.02.2010. The applicant was selected for the post LDC in NCLAS vide appointment order dated 02.03.2015, which was later cancelled on 06.10.2015. The applicant worked in the said post for nearly 7 months. Thereafter, in view of the change in Recruitment Rules, the applicant claims that his appointment order was cancelled and in the same order, it was stated that he will be allowed to continue in the post of LDC on temporary basis on consolidated salary till regular selection is completed for the vacant posts of LDC. However, with the new Recruitment Rules coming into vogue, the respondents have decided not to fill up the posts of LDCs & UDCs and those who are working in LDC/ UDC posts on regular basis will be promoted to the posts of Assistant and if required, direct recruitment would be done to the posts of Assistant from the market, as per the new Recruitment Rules. The prayer of the applicant is that his services should be regularised, keeping in view the Ministry of Finance order dated 19.12.2016.

6. After hearing both the sides and perusing the records, it is seen that the applicant has been working on a consolidated pay as per Memo dated

06.10.2015 of the respondents. The respondents have come up with new Recruitment Rules, wherein the posts of LDCs & UDCs have been dispensed with. The issue relates to a policy of the respondents and, therefore, the Tribunal would not be in a position to intervene as prayed for by the applicant. However, it is pertinent to point out that the applicant has stated that his services can be regularised in the light of the Memo dated 19.12.2016 of the Ministry of Finance.

7. In view of the above, it would be fair and appropriate to direct the respondents to consider this O.A. as a representation of the applicant and dispose of the same keeping in view the grounds stated therein as well as the provisions contained in Memo dated 19.12.2016, by issuing a speaking and reasoned order as per rules and in accordance with law.

With the above direction, the O.A. is disposed of. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(ASHISH KALIA)
MEMBER (JUDL.)

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