

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No.                      158                      198 6  
T.A. No.

DATE OF DECISION 12.5.86

MRS. C.K.Thankamani                      Petitioner

None                      Advocate for the Petitioner(s)

Versus

DGS & D & Others.                      Respondent

Sh. K.C.Mittal                      Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.                      S.P.MUKERJI, MEMBER

The Hon'ble Mr.                      H.P.BAGCHI, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? No

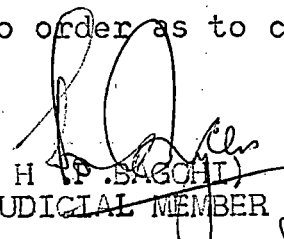
Neither the petitioner, nor her counsel is present despite information. We had heard the arguments on behalf of both the parties during the last hearing on 1.5.86. On that day, the learned Counsel for the petitioner had

sought time to file rejoinder but he has not done so yet and is also absent despite information. In any case we heard the arguments of the learned Counsel for the parties and have examined very closely the various documents and pleadings on the file. The petitioner who was originally appointed as L.D.C. on daily rated basis on 1.10.82 and was ~~made~~ <sup>inducted</sup> L.D.C. on ad hoc basis on 28.9.83 has prayed that the impugned order dated 6.2.85 terminating her services with effect from the same date may be set aside and she should be regularised as an L.D.C.

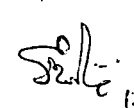
2. For regularisation of ad hoc L.D.C. the Government has been holding Special Qualifying Examinations in 1982, again in 1983 and the last Examination was held in July 1985. The petitioner could not appear either in the 1982 or in the 1983 Examination because she was not qualified to appear in the Examination not having rendered one year's qualifying service on the crucial dates for either of these Examinations. Even if we take her service on daily rated basis as qualifying service prior to her ad hoc appointment even then she ~~had~~ <sup>have</sup> not completed one year as L.D.C. on 1.8.83. At least for the 1985 Examination she would have been qualified to take that Examination but unfortunately her services were terminated from 6.2.1985 long before she could apply for taking the Examination. As such she could not get the benefit of regularisation through the Special Qualifying Examination of 1985. The 1985 Examination was notified on 28.2.1985 after her services had been terminated. As such her petition cannot be accepted. However in accordance with decisions of this Tribunal in similar cases we have directed that such employees

6

should get one month's notice or pay in lieu of notice before their services are terminated. While rejecting this application we direct that the petitioner should be given one month's pay in lieu of notice. Accordingly, the petition is rejected on these lines. There will be no order as to costs.

  
( H P. BAGCHI )  
JUDICIAL MEMBER

12.5.86

  
12.5.86.  
( S.P. MUKERJI )  
MEMBER