

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. DA-842/86

Date of decision: 5.2.1993

Km. Vijay Usha

.... Applicant

Versus

Union of India & Ors.

.... Respondents

For the Applicant

.... Shri Umesh Mishra, Advocate

For the Respondents

.... Shri M.L. Verma, Advocate

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The applicant, who has worked as a Clerk on daily-wage basis in the Office of the Liaison Officer, Lakshadweep Administration (Respondent No.4), filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying that the respondents be directed to regularise her in the post against which she was working and give her all benefits which are given to a regular appointee and not to

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terminate her services.

2. We have gone through the records of the case carefully. This case had figured in the list of 15 cases peremptorily fixed for final hearing. When the case was called on 16.10.1992, none appeared for both the parties.

3. The records of the case reveal that the applicant was appointed as a Clerk on daily-wage basis for attending to the clerical work in the Office of the Liaison Officer, Lakshadweep until further orders. A copy of the order of appointment dated 12.3.1986 is at Annexure 'A', page 13 of the paperbook. The applicant has stated that she was found eligible and was appointed after an interview by Respondent No.3. She has also stated that she was appointed against a permanent vacancy though her appointment was termed as 'on daily-wage basis'. The respondents have denied these averments made by her. According to them, the applicant is neither eligible for the post as she did not know typing, nor was she engaged through the Employment Exchange. She gave her application to the Liaison Officer who is closely related to her. In the rejoinder affidavit, the applicant has stated that she has got herself registered with the Employment Exchange. She has not, however, denied the fact that she is related to the Liaison Officer.

4. The applicant had been continuously working as a Clerk. The application was filed on the apprehension that

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the Special Commissioner (Respondent No.2) was interested in some other person and he wanted him at the cost of the applicant. The respondents have stated that the Special Commissioner being the superior officer to the Liaison Officer, had every right to fill up the post through the Employment Exchange. The applicant has mentioned that the name of the person sought to be favoured is one, Shri Pawan Kumar. The allegation that Respondent No.2 wanted to show any favour to Shri Pawan Kumar, has been denied by the respondents in their counter-affidavit. According to them, respondent No.2 came to know about Shri Pawan Kumar only when the Employment Exchange forwarded his name along with nine others on 29.9.1986.

5. The contention of the applicant is that she should be regularised having regard to the long period of service put in by her. On the other hand, the contention of the respondents is that she has no such right because there is no regular post.

6. The Tribunal had passed an interim order on 14.10.1986 directing the respondents to maintain status quo as regards the continuance of the applicant in the post of Clerk. The interim order has thereafter been continued ^{orders} until further on the main application.

7. On careful consideration, we are of the opinion that the applicant who has worked for several years as a Clerk,

on daily-wage basis, should be continued as such in preference to any outsider. In case a post of Clerk is created in the future and the respondents propose to fill up the same on a regular basis, they shall also consider the suitability of the applicant for regular appointment along with the other eligible candidates. Till then, the interim order already passed by the Tribunal will remain in force. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 5/2/93
Administrative Member

P.K. Kartha
5/2/93
(P.K. Kartha)
Vice-Chairman (Judl.)