

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI

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O.A.No.870/86.

Date: 13.4.92

Ms. Savitri Dua Vs. Union of India & Ors.
counsel:

Shri A.K.Sikri ...For the applicant.
None ...For the respondents

CORAM:

THE HON'BLE MR. JUSTICE RAM PAL SINGH, VICE CHAIRMAN
THE HON'BLE MR. I.P.GUPTA, MEMBER(A)

JUDGMENT

(per Hon'ble Mr. I.P.Gupta, Member(A))

In this application, the applicant was appointed as a Stenographer and posted in the Office of the Presiding Officer, Additional Industrial Tribunal, vide Memo dated 6.5.65. The appointment was ad hoc and purely on temporary basis and it was so mentioned in the appointment letter. The learned counsel for the applicant does not contest the point that the initial appointment was not after fulfilling the conditions laid down in the recruitment rules. The applicant had not qualified in the stenography and typing test at the prescribed speed. Sometime in 1966, the applicant, according to the learned counsel for the applicant, passed the typing test. She was declared quasi-permanent w.e.f.6-5-1968 vide order dated 6.9.78. On the basis of a request by the applicant to regularise her services as Stenographer w.e.f. 19.5.71 by applying relaxation clause of the recruitment rules, she was so regularised.

2. The applicant has requested for counting the entire period of service from 6.5.1965 towards her seniority as a Stenographer since she has continued in that post uninterruptedly since then.

3. In the counter filed by the respondents, it has been mentioned that the case is barred by limitation. The request for fixation of her seniority by counting her past service was rejected by the Order dt.27.6.1983 and the application was filed only on 31.7.86. Since the application has been filed within one year from the date of introduction of the Administrative Tribunals Act, 1985, i.e.1-11-85, we do not propose to set aside the application on the ground of limitation.

4. The learned counsel for the applicant takes us under the Amendment Rules of the Delhi Administration Subordinate Services (IX Amendment) Rules, 1985. We would not dialate on the provisions of these rules since they cannot be applicable to the case of the applicant in regard to regularisation of a period prior to 1971 whereas the amendment rules were of 1985.

5. Ad hoc service followed by regularisation would, no doubt, give benefits in matters of seniority but such ad hoc service should not have been against the rules. When the applicant was appointed, she did not fulfil the conditions of the recruitment rules and there is no dispute on this point. However, the applicant was given quasi-permanency status from 6.5.1968. Having given this quasi-permanency status from 6.5.68 and keeping in view the fact that the applicant had passed the stenography and typing test prior to 6.5.68, we direct the respondents to consider her seniority from 6.5.68, i.e., the date when she was given quasi-permanency status.

6. With the above directions, the case is disposed of with no order as to costs.

7. No counsel on behalf of the respondents appeared on several dates. It really does not speak well of the Delhi

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Administration to let their case go unrepresented in such a manner. We were left with no option but to ^{break} ~~her~~ ^{old} ~~the~~ case of 1986, ex-parte, the respondents having failed to make their learned counsel appear in the case.

I.P.Gupta
(I.P.GUPTA)
MEMBER (A)
3/4/92

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN

pkk.