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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH; NEW DELHI

OA NO.1099/86

DATE OF DECISION : 19.11.1992

SHRI SARADA RAM
Driver, O/O Executive Engineer .. APPLICANT
Delhi Administration,
Delhi

VERSUS

1. CHIEF ENGINEER,
Flood Control Department,
Delhi Administration,
Delhi .. RESPONDENTS

2. Executive Engineer, S.D.D. II,
Delhi Administration, Delhi

Shri G.R. Matta .. Counsel for the applicant

Shri B.R. Prashar .. Counsel for the respondents

CORAM

1. THE HON'BLE MR. JUSTICE RAM PAL SINGH, VICE CHAIRMAN (J)

2. THE HON'BLE MR. I.P. GUPTA, MEMBER (A)

1. Whether reporters of the local paper may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

J U D G M E N T

[Delivered by the Hon'ble Mr. I.P. Gupta, Member(A)]

In this application, the applicant has requested for orders directing the respondents to refrain from the filling up driver's post held by him, instead of regularising him in the post of driver from the date of his initial appointment

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And

i.e. 12.1.1984. The applicant was appointed as a Beldar with effect from 1.12.1977. He was regularised as Beldar by order dated 20.2.1981. He was made quasi-permanent as Belder from 15.11.1983. The applicant has been working as a driver on ad hoc basis from 12.1.1984.


2. The respondents have invited the names from the Employment Exchange for filling up the post of driver regularly which is presently held by the applicant. The Learned Counsel for the applicant is not likely to be considered since his name has not been sponsored by the Employment Exchange. This apprehension is confirmed by the reply given in the counter. The Counter says that the applicant has been told that only such Beldars or Class/IV were to be considered who were initially recruited in the department through Employment Exchange.

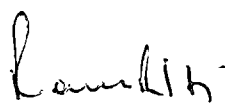
3. The short point to be considered in this case whether the respondents can ignore the consideration of the case of the applicant on the ground that he had not been sponsored by the Employment Exchange for Beldar's post. Neither the Recruitment Rules for the post of driver in Delhi Administration nor the subsequent amendment notified on 29.10.1986 provide for the requirement of the applicant having been sponsored by the Employment Exchange in Class IV post. The Rules provide for filling the post by promotion, failing which, by the Direct Recruitment. The applicant held

the post of Beldar (Group-D) and was also made quasi-permanent in that post. He further possesses the qualification of having passed the Matriculation Examination. He also possesses the Driving Licence of light motor vehicles and has more than two years of experience in the line. Therefore, we find that the applicant fulfils all the requirements of the Recruitment Rules for the post of Driver in Delhi Administration as notified by the respondents.

4. We, therefore, direct that the applicant should be considered for regular appointment as a Driver in the said post and if he is found fit for such regularisation, he will count his service from 12.1.1984 for purposes of the seniority.

5. With the aforesaid direction and order, the case is disposed of. The interim order gets merged into this order.


(I.P. GUPTA)
MEMBER (A)
19.11.1992


(RAM PAL SINGH)
VICE CHAIRMAN (J)
19.11.1992