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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

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OA.No.465 of 1990

Dated New Delhi, this the 9th day of June, 1994.

Hon'ble Shri J. P. Sharma, Member (3)

Hon'ble Shri R. K. Singh, Member (4)

1. Shri M.M. Haidry,  
S/O Late Shri Mohd. Badrud-din,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O E-201, Kidwai Nagar, New Delhi.
2. Shri S.S. Bisht,  
S/O Late Shri Kalam Singh,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O 3/29, Panchu, Mandir Marg,  
New Delhi.
3. Shri Ram Avtar,  
S/O Shri Sukhbir Singh,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O Sector 7/716, R.K. Puram,  
New Delhi.
4. Shri Vijay Kumar,  
S/O Late Shri Tota Ram,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O D-627, Netaji Nagar,  
New Delhi.
5. Shri Chander Mal,  
S/O Shri Ram Nand Singh,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O 66/796, Mandir Marg,  
New Delhi.
6. Shri Ram Kumar,  
S/O Shri Sri Ram,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O Vill. Mubarak Pur, Daba Post  
Rani Khara, Delhi.
7. Shri Raj Vir Singh,  
S/O Late Shri Ved Singh,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O WZ-826, Sadh Nagar,  
Palam Colony, New Delhi.
8. Shri H.C. Pandey,  
S/O Late Shri Kesav Dutt,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O C-322, Sewa Nagar, New Delhi.
9. Shri Gajinder Singh,  
S/O, Shri Didar Singh,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O 4387, Katra Raiji, Main Bazar,  
Pahar Ganj, New Delhi.

10. Shri Harsh Wardhan,  
S/O Shri R.C. Naithani,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O Sector-12/667, R.K. Puram,  
New Delhi.

12. Shri Prem Kumar,  
S/O Late Shri Lila Dhar,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O WZ-28, Vill. Dabari,  
Kushlaya Bhawan, New Delhi.

13. Shri Narotam Khulbo,  
S/O Late Shri N.D. Khulbo,  
L.D.C., Min. of Surface Transport,  
Transport Bhavan, New Delhi.  
R/O 38, East Guru Angad Nagar,  
Delhi.

... Applicants

By Advocate: None

Versus

- Union of India, through
1. Secretary to the Govt. of India,  
Ministry of Surface Transport,  
Transport Bhavan, New Delhi.
  2. Secretary to the Govt. of India,  
Ministry of Personnel, Public Grievances  
and Pensions,  
North Block, New Delhi.

By Advocate: Shri V.S.R. Krishna ... Respondents

O R D E R

(Oral)

Shri J. P. Sharma, M(J)

The applicants were initially appointed to Group 'D' post but were subsequently promoted to the post of L.D.C. on ad-hoc basis on different dates in 1983, 1985 and 1986. Vide order dated 14.3.90, they were reverted to the substantive post on P.W.F. 1.3.90. They filed the present application in March, 1990.

Vide order dated 11.4.90 (order sheet of case file) it is observed that the applicants have again been

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appointed as LDC vide order dated 26.3.93 by the respondents.

2. The applicants have prayed for quashing of the impugned order dated 14.3.90 and the applicants be considered for regularisation to the post of LDC.

3. The respondents contested this application and it is stated that according to Rule 12 of the Central Secretariat Clerical Service Rules, 1962, recruitment to the post of LDC is 5% on the basis of qualifying examination held for this purpose by Staff Selection Commission and the remaining 5% are filled up on the basis of seniority and fitness from amongst the Group 'D' employees. The applicants are not covered under this rule and cannot claim regularisation. It is stated that the application is devoid of any merit and be dismissed. During the pendency of this application, the applicants have already been promoted on ad-hoc basis till such time the qualifying candidates of Staff Selection Commission are available.

4. We heard the learned counsel for the parties at great length and perused the records of the case. Any appointment rule does not confer them a right or lien to a post. The applicants are Group 'D' employees and were promoted on temporary basis without taking the pre-appointment test. The respondents were well within their right to revert the applicants as and


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when either there was no work for them or the vacancies did not exist.

5. The applicant or his counsel could not bring on record as to how the applicants can be regularised<sup>in</sup> their appointment to the post of LDC against the statutory rules referred to above. The facts of the case referred to by the learned counsel for the applicant are totally different. In the appointment letters issued to the applicants, it was specifically mentioned that the applicants will have no claim for seniority or for regularisation by virtue of ad-hoc posting to the post of LDC.

6. In view of the facts and circumstances of the case, we do not find any merit in this application, and the same is dismissed. No costs.

  
(B. K. Singh)  
Member(A)

  
(J. P. Sharma)  
Member(J)

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