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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No.468 of 1990

This 15th day of July 1994

Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

1. Avinash Sharma,
BS-33, Shalimar Bagh,
Delhi.
2. Darwan Singh,
D-133, Kidwai Nagar,
New Delhi.
3. Chander Shekhar-I
716, Sector VII,
R.K. Puram,
New Delhi.
4. Om Prakash,
A-6/295-B, DDA Flats,
Pashim Vihar,
New Delhi.
5. Roop Chand Singh,
1601/16, Vijay Nagar (Old),
Mohali Road,
Ghaziabad (UP)
6. N.K. Pandey,
D-408, Kidwai Nagar,
New Delhi.
7. Smt. Satya Bhandari,
917, Rani Ganj, Subzi Mandi,
Delhi.

Applicants

By Advocate: None present

VERSUS

1. Union of India, through
The Secretary,
Ministry of Surface Transport,
Transport Bhavan,
Sansad Marg,
New Delhi.
2. The Under Secretary,
Ministry of Surface Transport,
Transport Bhavan,
Sansad Marg,
New Delhi.

Respondents.

By Advocate: Shri V.S.R. Krishna

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O R D E R (Oral)

(By Hon'ble Mr. J.P. Sharma, M(J))

The applicants initially joined as Group 'D' employees with the respondents. By the order dated 31.5.79 five of them were appointed to Group 'C' post of LDC on the condition that the appointment is purely temporary and ad hoc and can be terminated at any time without notice/as and when the nominees from the Department of Personnel & A.R. become available on the basis of Clerks Grade Examination 1978 conducted by the Staff Selection Commission. On the availability of qualified candidates, he/she will be reverted to the post of Peon/Khallasi.

2. Two of the applicants were also appointed in 1982. However, the applicants continued to work as LDC. However, by the impugned order dated 14th March 1990, the applicants were reverted to the post of Peon w.e.f.1.3.90. Earlier to this, the adhoc appointment of the applicants was extended upto 28th February 1990 by the order dated 13th March 1990. The applicants have jointly filed this application against the aforesaid impugned order without exhausting the departmental remedies in March 1990. They were also granted interim relief that they should not be reverted from the post they had been holding by the order of this Tribunal dated 30.7.90. That order continued to operate and has been vacated on the basis of MP 990/93 by the order dated 4.6.1993 with the direction that the applicants may be utilised for continuing as the ad hoc promotees on the principle of 'last come first go' till regularly selected candidates are available.

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3. The respondents have contested this application and in the reply have stated that the applicants have no case as in the appointment letter it was specifically mentioned that their appointment was purely on ad hoc basis and that their services can be terminated at any time without notice and without assigning any reason therefor. The applicants knew that their services were only transitory in nature. The respondents have also filed certain judgments in OA 1536/91 and OA 1537/91 decided by the Principal Bench on 27.2.1992 whereby similarly placed Group 'D' employees have not been considered for regularisation in view of the fact that entry into LDC is primarily according to Central Secretariat Clerical Service Rules 1962. Regarding Group 'D' posts, only 5% of the vacancies are to be filled up on the basis of seniority-cum-fitness and remaining 5% by the limited departmental examination. The applicants have nowhere averred that they are covered by 10% of such vacancies of the quota of Group 'D' employees for entry in CSCS.

4. The applicants have also filed rejoinder and also certain judgment. We have carefully gone through it also the pleadings. No one is present on behalf of the applicants. Shri V.S.R. Krishna appears on behalf of the respondents. The counsel for the respondents could not give out the factual position as to whether the applicants have since been reverted to their substantive posts of Group 'D' or they are still continuing to work

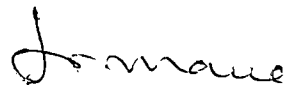
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as LDC. In view of this, we dismiss the application ~~xx~~
in default of the applicants leaving the parties to bear
their own costs.



(B.K. Singh)
Member (A)



(J.P. Sharma)
Member (J)

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