

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.668 of 1990

Date of Decision: 11.6.93

Babu Lal | Applicant.

Versus

Union of India & others Respondents.

CORAM:

Hon'ble Mr.J.P.Sharma,Member(J)
Hon'ble Mr.S.R.Adige,Member(A)

For the applicant: Shri K.L.Bhatia, Counsel.

For the respondents: Shri P.P.Khurana, Counsel.

JUDGMENT

(By Hon'ble Mr.S.R.Adige, Member(A).)

In this application, Shri Babu Lal, a Semi-skilled Fitter(Upholster) working in the Delhi Milk Scheme and belonging to the scheduled caste community has prayed that the respondents be restrained from declaring him as surplus and depriving him of his employment as Fitter(Upholster) in Delhi Milk Scheme.

2. The applicant claims that he is working in DMS since 1962. From the seniority list of Fitter(Upholster) (Annexure-3), it appears that his date of initial appointment is 1.4.63 and his date of appointment to the present grade of Fitter-Cum-Upholster is 16.10.67. This appointment was made on adhoc basis. From the letter of D.M.S. dated 29.3.90 (Annexure-1), it appears that consequent upon the reduction of the staff in the category of Fitter-Cum-Upholster as a result of the recommendations of SIU, Department of Expenditure, the applicant was identified as surplus and under the Government policy for re-deployment of surplus staff, he was transferred to the Surplus Staff Establishment w.e.f. 1.4.90 and his bio-data was to be forwarded to the Surplus Cell of the Department of Personnel, Public Grievances and Pension for re-deployment. From the counter affidavit, it further appears

that the promotion of the applicant to the post of Fitter(Upholster) w.e.f. 16.10.67 was on adhoc basis on the basis of proposed recruitment rules. However, he could not be regularised to that post as he did not fulfill the requisite condition of the approved recruitment rules notified vide Notification No. 3-18/74-ID.I dated 1.11.75/22.11.75. His case was referred to the Government for relaxation in the rules in order to regularise him on the post of Fitter (Upholsterer) but the same was not approved by the respondent No.4 Ministry of Agriculture &Co-operation.

3. From the seniority list of Fitter(Upholsterer) (Annexure-3(Supra) it appears that one Shri Sukhdev Ram, who was appointed on 10.3.75 i.e over seven years after the applicant, had been declared senior to the applicant because he was appointed on regular basis while the applicant was appointed on adhoc basis.

4. Having regard to the fact that the applicant belongs to the scheduled caste community and has been continuously working on the post of Fitter(Upholsterer) for more than 26 years, even if it be on adhoc basis, we are of the view that in the interest of equity and justice, this application should be allowed, and the respondents should continue to retain the applicant ^{in his post} against his ~~promotion~~ as Fitter (Upholsterer). No costs.

Adige
(S.R.ADIGE)
MEMBER(A)

Sharma
(J.P.SHARMA) 11.6.85
MEMBER(J)

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