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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA No. 1153/91 .. Date of decision: 31-7-92

Sh. Amrish Kumar & Ors. .. Applicant

Sh. D.R. Gupta .. Counsel for the applicant

Versus

U.O.I. & Others. .. Respondents.

Sh. Jog Singh .. Counsel for the respondents.

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HON'BLE SH. P.K. KARTHA, VICE CHAIRMAN (J)

HON'BLE SH. B.N. DHOUNDIYAL, MEMBER (A)

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh. B.N.Dhoundiyal,  
Member (A).)

In this Original Application, 6 LDCs employed in the Department of Fertilizers, Ministry of Agriculture have sought directions to the respondents to extend the benefits of the Judgement of this Tribunal dated 12.4.91 ~~in OA Nos. 668/88, 914/88, 985/88 and 1010/88 to the applicants~~ to regularise their services as LDC. The brief facts of the case are that all the applicants were working as regular Peons and they were appointed as LDCs purely on ad-hoc basis from the dates indicated below:-

1. Sh. Amrish Kumar : 19.10.82
2. Sh. Mahesh Chand : 19.10.82
3. Sh. Inder Singh : 19.10.82
4. Sh. Devendar Prasad : 19.10.82
5. Sh. Narendra Kumar Parcha : 18.11.83
6. Sh. Suraj Bhan : 27.10.87

All the applicants except Sh. Amrish Kumar ~~had~~ passed the prescribed typing test conducted by the Staff Selection

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(SSC).  
Commission~~s~~ They were also allowed annual increments and crossing of the Efficiency Bar. All of them are educationally qualified for appointment as LDC. The applicants claim that by rendering continuous satisfactory service as LDCs for a long period, they have acquired a right to be regularised against these posts and all of them have in any case become over-aged to take LDC Grade Examinations being conducted by SSC. They have referred to the judgement of the Tribunal pronounced on 12.4.91 in the case of similarly situated employees of the Ministry of Urban Development.

2. The respondents have denied that all of them were appointed on the same day and have indicated the above dates accordingly. According to them, they were adjusted against sporadic~~s~~ and~~s~~ the~~s~~ vacancies~~s~~ there were short-breaks in their services as LDC. When the old vacancies were not available, they were adjusted against the new vacancies with fresh ad-hoc appointment. Under Rule 12 of CSCS (Rules), 1962, 5% of the vacancies of LDC cannot be filled up on the basis of seniority-cum-fitness from amongst the eligible Group 'D' employees and another 5% through Limited Departmental Examinations held by the SSC. Remaining 90% of the vacancies are to be filled through direct recruitment. The cases of these employees are not covered under this rule. In the appointment letter, it was~~s~~ made clear that these appointments were purely ad-hoc arrangements and would not confer any right to them for regular appointment as LDCs. Their continuation when the regular candidates are available will adversely affect the lawful rights of the directly recruited candidates. The age limit for appearing in the SSC Examinations for these employees is 50 years relaxable by another 5 years for SC/ST candidates. It is on this

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basis that the respondents have distinguished the case of these applicants from those belonging to the Ministry of Urban Development.

3. We have gone through the records of the case and the various judgements cited by the applicants and have heard the learned counsel for both the parties. The latest judgement given by this <sup>to</sup> Tribunal on 31.1.92 in OA No. 1483/91 in the case of Sh. Sham Singh V/s U.O.I. has referred to the various judgements of the Supreme Court,\* wherein it has been held that in such cases, the services of the employees who have put in continuous service of not less than one year should be regularised in consultation with the Public Service Commission or Staff Selection Commission as the case may be. For this purpose, such employees have to be treated as a separate block and there should be no age bar for them.

4. In our opinion, the decision taken by this Bench in the aforementioned OA 1483/91 on 31.1.92 would apply in the case of the applicants who are similarly situated. Accordingly, the application is allowed and is disposed of with the following orders and directions :-

(i) The respondents shall take immediate steps to regularise the services of the applicants as LDCs in consultation with the SSC on the basis of the evaluation of their work and conduct based on the Annual Confidential Reports.

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\* 1. Jacob M. Puthuparambil & Others Vs. Kerala Water Authority & Others- JT 1990(4) SC 27,

2. Dr. A.K. Jain & Others Vs. Union of India and Others, 1987 SCC 497.

3. Daily-rated casual labour employed under P&T Department Vs Union of India & Others, 1988 (1) SCC 122.

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(ii) Till the applicants are so regularised, they shall not be reverted from the post of LDC to their substantive post of Peon.

(iii) The applicants would be entitled to the protection of pay and allowances, including increments in the post of LDC and other benefits admissible to a regular employee. (iv) The respondents shall comply with the above ~~—~~ directions within a period of 3 months from the date of receipt of this order.

(v) The interim order passed on 13.5.1991 is hereby made absolute.

There will be no order as to costs.

B. N. Dhumal  
( B.N. Dhumal ) 31/7/92  
Member (A)

arong  
31/7/92  
( P.K. Kartha )  
Vice Chairman (J)