

OA No. 655/91. .. Date of decision: 14.01.93

Sh. Bijender Singh

and others .. Applicants

Versus

Union of India .. Respondents

Sh. M.K. Gupta .. Counsel for the applicant

Sh. K.C.Sharma .. Counsel for the respondents

CORAM

Hon'ble Sh. P.K.Kartha, Vice Chairman (J)

Hon'ble Sh. B.N.Dhondiyal, Member (A)

1. Whether Reporters of local papers may be allowed to see the judgement? J
2. To be referred to the Reporters or not? No

J U D G E M E N T (Oral)

(Delivered by Hon'ble Sh. P.K.Kartha, V.C. (J))

We have heard the learned counsel for both parties. The applicants have prayed in this application that their appointments should be declared to be regular and respondents be directed to treat them as regular UDCs with all consequential benefits. The learned counsel for the applicants stated that some of the applicants were appointed as UDCs on adhoc basis in 1986 and some others in 1987 on the recommendations of D.P.C. They are continuing as UDCs pursuant to the interim order passed by the Tribunal on 15.03.92.

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The learned counsel for the respondents stated that for filling up the post of UDCs, quota have been earmarked for departmental candidates, those who pass the qualifying Limited Departmental Examination and Direct Recruitment. The applicants have been continued as UDCs in excess of the quota earmarked for departmental promotion posts of seniority. He submitted that none of the UDCs who had^a been continuing on adhoc basis in excess of the quota has been reverted. The position at present is that all the applicants except Sh. Brijendra Singh, have been promoted as UDC on regular basis in their respective quota. Shri Brijendra Singh will also be considered in the seniority quota in the DPC which is scheduled to be held shortly.

There is no averment^a in the application that there is no break-down of the quota/rota rule^a, Even though there is an averment^{that} there ~~is~~^{was} no direct recruitment for about 3 years. In the absence of any such break down of quota/rota rule^a, we are of the opinion that the applicants cannot be given seniority from the respective dates of their adhoc appointment.

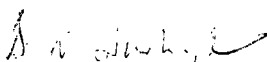
After hearing both sides, we are of the opinion that no orders are required to be passed as regards the promotion of the applicants other than Sh. Brijendra Singh. As regards Sh. Brijendra Singh, we take note^{of} the assurance given by the learned counsel for the respondents that his case will be considered

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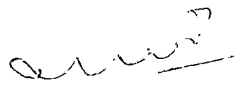
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by the DPC shortly. The learned counsel for the respondents fairly stated that Shri Brijendra Singh will not be reverted from the post of UDC pending consideration of the case by the DPC. The application is disposed of accordingly.

There will be no order as to costs.


(B.N. Dhoundiyal)

Member (A)


(P.K. Kartha)

Vice Chairman (J)