

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

(A)

O.A. No.1763 of 1992

New Delhi, dated the 16th July, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Shri Prakash Chander,
S/o Shri Belmanand,
R/o C-3/231, Lodhi Colony,
New Delhi.
2. Shri Ram Narain,
S/o Shri Sukar,
R/o A-1/462, Madhu Vihar,
New Delhi. ... APPLICANTS

(None appeared)

VERSUS

Union of India through
the Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi. ... RESPONDENTS

(None appeared)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicants seek a direction to Respondents to regularise them as LDCs in accordance with Respondents' order dated 22.6.92 and to restrain Respondents from reverting them from the post of LDC to the post of Peon.

2. None appeared for applicants when the case was called out. None appeared for Respondents either. As this is an old case, and has been on board since 14.7.97, we are disposing it of on the basis of available materials on record.

/

10

2. Admittedly applicants who joined service as peons in 1980 were promoted as LDCs on ad hoc basis vide Office Order dated 31.7.86 (Ann. A-3).

3. Some ad hoc LDCs in the Respondents' Ministry who were appointed against such post pending nomination of Staff Selection Commission candidates had filed applications bearing O.A. No.668/88, O.A. No. 914/88, O.A. No.985/88 and O.A. No.1010/88 against their reversion/impending reversion on the joining of Staff Selection Commission nominees. While admitting those O.As the CAT passed interim orders in O.A. No. 668/88, O.A. No.985/88 and O.A. No.1010/88 directing Respondents not to revert those applicants from the post of LDC till the O.A. were disposed. Applicants in O.A. No.985/88, including the two applicants presently before us, were reverted, but their reversions were subsequently withdrawn in the background of the aforesaid interim order passed by the Tribunal. The aforesaid O.As were disposed of after hearing the parties by judgment dated 12.4.91 whereby Respondents were directed to take steps to regularise the services of those applicants in consultation with SSC. Respondents state that SSC was consulted by them, who after giving age relaxation, wherever necessary agreed to the regularisation/appointment of all persons except those who were either educationally

2

11

not qualified for the post of LDC or those who were not fit for regularisation based on the evaluation of their work and conduct. Respondents further state that the two applicants before us could not be regularised because they were not educationally qualified for the post.

4. Applicants state that they passed the Uch Madhyamik Exam. from the Board of Adult Education and Training, Delhi in 1984. As per the prescribed educational qualification only those persons ~~who~~ were eligible for appointment as LDC ~~should~~ ^{the} have passed matriculation examination of a Board/University or possessed any qualification recognised by the Central Govt. as equivalent there to. Respondents have invited attention to Ministry of HRD O.M. dated 18.8.89, which states that the Board of Adult Education and Training and certificates issued by it, are not recognised for any purpose whatsoever either by the Ministry of HRD itself or Delhi Administration. No materials have been filed by applicants either to show that they have passed the Matriculation Exam. or to establish that the Uch Madhyamik Exam. said to have been passed by them, has been recognised by Respondents is equivalent to Matriculation Exam. It is for this reason that Respondents have reverted the applicants on 22.6.92 prior to the filing of the present O.A. on 7.7.92.

2

(12)

4. In the light of the above we find no good reasons to interfere in the matter. The O.A. is, therefore, dismissed and interim orders, if any, are vacated. No costs.

5. Later, after the above orders were dictated Respondents' counsel Shri S.M.Arif appeared.

Lakshmi Swaminathan

(Mrs. LAKSHMI SWAMINATHAN)
Member (J)

/GK/

Adige

(S.R. ADIGE)
Member (A)