

Central Administrative Tribunal
Principal Bench

O.A. 1863/92

New Delhi this the 25th day of July, 1997

Hon'ble Shri S.R. Adige, Member(J).
Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Fardinand Kachhap,
S/o Shri Lucas Kachhap,
Directorate of Printing,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

...Applicant.

None present.

Versus

1. Union of India, through its
Secretary,
Ministry of Urban Development,
'C' Wing, Nirman Bhawan,
New Delhi.

2. The Director of Printing,
Directorate of Printing,
Ministry of Urban Development,
'B' Wing, Nirman Bhawan,
New Delhi.

...Respondents.

By Advocate Shri S.M. Arif.

O R D E R (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

None has appeared for the applicant even though the case was called out twice. As this is an old case of 1992 and has been on Board since 17.7.1997, we have, therefore, taken up the case for final hearing.

2. We have carefully perused the record and considered the submissions made by the learned counsel for the respondents.

JS.

3. The applicant has filed this application seeking a direction to the respondents to regularise his services in the grade of LDC from 31.7.1986 in terms of the judgement dated 12.4.1991 without giving any cognizance to the penalty of 'censure', and to rearrange the seniority as also other consequential benefits as a result of the regularisation.

4. In the judgement relied upon by the applicant in Ved Prakash & Others Vs. Union of India & Ors. (O.A. No. 668/88 and connected O.As), decided on 12.4.1991, the Tribunal had given the following directions:

(i) The respondents are directed to take immediate steps to regularise the services of the applicants as LDCs in consultation with the Staff Selection Commission. While doing so, they shall, if necessary, relax the upper age limit for appointment as LDCs. Their regularisation should be on the basis of the evaluation of their work and conduct based on the annual confidential reports, as was directed by the Supreme Court in Dr. A.K. Jain's case.

(ii) Till the applicants are so regularised, they shall not be reverted from the post of LDCs to their substantive posts in Group 'D' category.


(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 three months from the date of receipt of this order.


5. The respondents in their reply have submitted that in accordance with the directions given by the Tribunal in Ved Prakash & Ors. (Supra), they had consulted the SSC which had given age relaxation and agreed for regularisation/appointment of all the

persons except (i) those who were educationally not qualified for the post of LDC in the Central Secretariat Clerical Service(CSCS) and(ii) those who were not found fit for regularisation in the CSCS on the basis of the evaluation of their work and conduct. From the reliefs prayed for by the applicant himself, it is clear that the applicant had been given a penalty of 'censure' which he has prayed may be ignored while dealing with his case in terms of the judgement of the Tribunal in Ved Prakash & Ors. (Supra). After perusing the record in the case, we do not consider that any further relaxation, as prayed for by the applicant, is justified and we are satisfied that in terms of the order in O.A. 668/88 and connected cases, the respondents have considered the case of the applicant for regularisation.

6. In the result, we find no merit in this application. The same is accordingly dismissed. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member(J)

"SRD"


(S.R. Adige)
Member(A)