

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 2492 of 1992

New Delhi, this the 11th day of November, 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Mr. N. Sahu, Member (Admnv)

Shri Bikram Singh, S/o Shri Jay Singh,
R/o 18/C, Aram Bagh, New Delhi. Working
as Lower Division Clerk (Ad hoc) in the
office of Directorate General of
supplies and Disposals, New Delhi-1 - APPLICANTS

Versus

Union of India through
1. The Secretary, Department of Civil
Aviation, Sardar Patel Bhawan,
New Delhi - 110 001.

2. The Director (Administration),
Directorate General of Supplies and
Disposals, Jeevan Tara Building,
Parliament Street, New Delhi-110 001.

3. The Secretary, Department of Personnel
and Training, North Block,
New Delhi-110 001.

-RESPONDENTS

ORDER (Oral)

By Dr. Jose P. Verghese, VC (J). -

This matter was on Board for quite some time. None appears on behalf of the applicant. Today even on the second call nobody has appeared. Since this matter is pertaining to the year 1992 and was on Board for quite some time, we proceeded to look through the file ourselves and pass the following order.

2. The applicant in this case is seeking relief of appointment as regular group 'C' staff with effect from 1986 on the ground that he is entitled to the said appointment as per the rules.

3. The applicant was in fact appointed in the Directorate General of Supplies and Disposals as Peon on ad hoc basis with effect from 16.12.1980 and continued to hold the post on ad hoc basis till 30.10.1984. The applicant was claiming to consider him eligible to appear in the examination for appointment to the grade of Lower Division Clerk. The minimum eligibility condition prescribed for becoming a candidate for the said examination at the relevant time was five years' regular service in Group 'D' post as on 1.6.1986 but the applicant by that time had adhoc service in Group 'D' for about 4 years only to his credit and since he was not eligible in accordance with the rules prescribed for the said examination he was not permitted to appear in the said examination.

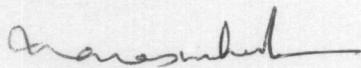
4. After notice, the respondents have filed the reply and it was stated that in 1988 the Department had considered the case of the applicant and it was found that in the very application form at serial no.10 the applicant had deleted the word 'regularly' meaning thereby the applicant who does not have the eligibility condition of regular service is shown to become eligible as per his own representation. It is under these circumstances also that his candidature to the said examination was rejected by the department vide order dated 2.4.1992.

5. Whatever be it, even ignoring the above facts as allegations, we find that the applicant was not eligible to appear in the said examination since

the rule requires regular 5 years service in group 'D' post and as such he is not entitled to neither to appear in the examination nor to hold the said post.

6. This matter was placed before the Lok Adalat on 2nd October, 1996 for a possible compromise and the respondents were not willing to regularise the services of the applicant out of turn and submitted that whenever his turn comes vis a vis his colleagues, his ad hoc service would be regularised in accordance with the rules, especially those pertaining to seniority.

7. In the circumstances, we do not intend to interfere in this matter and the respondents may pass appropriate orders of regularisation of the service of the applicant in case he continues to be on ad hoc service, in accordance with rules. With this, this O.A. is disposed of. No order as to costs.



(N. Sahu)
Member (Admnv)



(Dr. Jose P. Verghese)
Vice Chairman (J)

rkv.