

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. NO. 2589/92

Date of Decision 30-07-93

Shri S. Nedunzelian & others

... Applicant

Versus

Union of India & others

... Respondent

CORAM:-

Hon'ble Mr Justice S.K. Dhaon, Vice-Chairman (J)

Hon'ble Mr B.N. Dhoundiyal, Member (A)

For the Applicant : Shri Jog Singh

For the Respondents : Mrs. Raj Kumari Chopra

JUDGEMENT

The applicants in this O.A. are aggrieved by the impugned order dated 10th August, 1992, whereby they have been reverted to their substantive post in group 'D' from the post of LDC. They claim to have passed the requisite typing test and ^{Sec} that there are still enough vacancies of LDC to accommodate them. They have, therefore, prayed for quashing impugned order dated 10-8-92 and requested regularisation on the post of Lower Division Clerk.

The respondents have contended that the applicants were appointed to the cadre of LDC only on ad hoc and temporary basis with the clear understanding that they will be reverted to their cadre post of group 'D' as and when regularly qualified candidates selected by the Staff Selection Commission become available. The typing test was held for release of increments only.

fw We have gone through the records of the case and

heard the learned counsel of the parties. The learned counsel for the applicant has referred to the judgement given by another Bench of this Tribunal of which one of us (Hon. Shri, B.N. Dhoundiyal) was a member in O.A. number 1153/91 dated 31-7-92. It was 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 Staff Selection Commission and for such purposes these employees should be treated as a separate block and there should be no age bar for them. The learned counsel for the respondent has mentioned the appointment orders given from time to time which clearly mentioned that these appointments will last only till such time as regular candidates become available for the replacement. In this case selections have been made by the Staff Selection Commission against the direct recruit vacancies and 35 such candidates have already been nominated. To this extent, this case is distinguishable from the cases earlier decided by the Tribunal. Under the rules of recruitment to the post of LDC, only 10% quota has been provided for promotion from group 'D' and 90% vacancies are to be filled up by direct recruitment through the Staff Selection Commission. The learned counsel for the applicant argued that due to promotion of some LDC's as UDC's 20 more vacancies have been made available recently.

In view of the above facts, the application is allowed partly and is disposed off with the following

orders and directions. (1) Against the vacancies reserved for direct recruits those nominated by the Staff Selection Commission shall be allowed to join; the applicants shall be adjusted as far as possible against the remaining vacancies, irrespective of the fact that these belong to the promotee quota or direct recruitment quota.

(3) The respondents shall take immediate steps to regularise the services of the applicants who have been officiating ~~as~~ ^{as} LDC's for more than one year in consultation with the Staff Selection Commission on the basis of the evaluation of their work and conduct based on annual ^{for} ~~for~~ Confidential Reports.

(4) The respondents shall comply with these directions within a period of three months from the date of receipt of this order.

(5) There will be no order as to cost.

B. N. Dhoundiyal

(B. N. Dhoundiyal) 377193
Member (A)

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(S. K. Dhaon)
Vice-Chairman (J)