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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2150/93

New Delhi: this the 10th day of November, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KUL DIP SINGH, MEMBER (J)

1. Dinesh Chander Pandey,
S/o Sh. Bala Dutt Pandey,
F-1220, Laxmi Bai Nagar,
New Delhi.
 2. Madan Pal Singh Sharma,
S/o Shri H.L. Sharma,
193/II, ITC Pitampura,
Delhi-34.
 3. Surender Prasad,
S/o Sh. Govind Ram,
72/II Lodhi Road Complex,
New Delhi.
 4. Smt. Parwati Devi,
Wd/o Shri B.C. Rana,
S-13/ South Pandav Nagar,
Delhi-92.
 5. Gaida Singh,
S/o Sh. Hira Lal,
Pitampura,
Delhi.
 6. Tara Chand,
S/o Durga Prasad,
D-34B, Hari Nagar Extn.
Shourb Vihar Jitpur,
Haidampur,
New Delhi.
 7. Mahendra Singh,
S/o Ghoo ray Lal,
H-351, Nanakpura,
Moti Bagh II,
New Delhi-21.
 8. Man Singh,
S/o Sh. Mittu Lal,
D-55B Hari Nagar Extn.,
Jaitpur Road,
Badampur,
New Delhi.
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9. Girish Singh,
S/o Shri N.K. Sanwal,
215-II, I. Tax Colony,
Delhi.

10. Cyprian Kujur,
S/o Sh. Z. Kujur Street,
270-11, IT Colony,
Pitampura,
Delhi-34

..... Applicants.

(By Advocate: Shri R.N. Singh, proxy for Shri Jog Singh)

Versus

1. Union of India,
through
the Secretary,
Ministry of Finance,
North Block,
New Delhi.

2. Chairman,
Central Board of Direct Taxes,
North Block,
Ministry of Finance,
New Delhi.

3. Deputy Secretaries (Ad-VII),
North Block,
New Delhi.

4. Directorate of Income Tax,
(Research Statistics, Publications and
Public Relations),
6th Floor, Mayur Bhawan,
Connaught Circus,
New Delhi

.... Respondents.

(By Advocate: Shri R.G. Agarwal)

ORDER

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A).

Applicants impugn respondents' orders dated 15.9.93 and 21.9.93 (Annexure-V) requiring them to appear in another exam. being conducted by SSC. They seek regularisation as LDCs in consultation with the SSC in terms of the directions issued by the Tribunal in O As No. 985/89, 668/88, 1010/88; 914/88 and 1153/91 dated 12.4.91 with consequential benefits.

2. Their case is that they were initially appointed

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as Group 'D' employees on daily wages basis in 1980, 1981 etc. and were subsequently regularised against Group 'D' posts. Thereafter those of the Group 'D' employees who fulfilled the minimum eligibility criteria, were found fit by respondents, after considering their candidature were promoted as LDCs on adhoc basis against regular and available vacancies. Later on applicants were asked to appear in typing tests as well as written test and passed/qualified in the same. Applicants contend that they have been continuously, regularly and efficiently discharging their duties to the entire satisfaction of respondents. It is stated that they have been granted annual increments and various other benefits admissible only to LDCs and hence respondents cannot at this stage legally compel them to appear in another exam. to be conducted by SSC or to revert them.

3. While the bulk of the factual averments made by applicants and referred to above have not been contested by respondents in their reply they deny that applicants were promoted as LDCs on adhoc basis against regular and sanctioned posts of LDCs. They also state that Group 'D' employees promoted on adhoc basis to the grade of LDC can be regularised only against 10% quota to which they are eligible.

4. We have heard both sides and considered the matter carefully.

5. Applicants' counsel has relied upon several rulings a list of which is taken on record. In

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addition our attention has invited to letter dated 18.11.98, a copy of which is taken on record, strongly recommending the grant of a one time exception for filling up 11 posts of LDCs by promotion to enable applicants to be adjusted against those vacancies. Furthermore we note that out of the 11 applicants who had filed this OA the names of one or more either stand deleted or they have already been regularised.


6. We have not been shown any final order of respondents on the recommendations contained in letter dated 18.11.98.

7. In this connection, we note that in very similar circumstances the CATPB in its order dated 12.4.91 in OA No. 668/88 Shri Ved Prakash & Ors. Vs. UOI & others and connected cases, after relying upon several Supreme Court's decision had directed respondents to regularise the service of those applicants as LDCs in consultation with the SSC, if necessary by relaxing the upper age limit of applicants, after evaluating their work and conduct on the basis of their ACRs, and till they were so regularised they were not to be reverted to their substantive group 'D' posts. Nothing has been shown by respondents to suggest that the aforesaid order dated 12.4.91 has been stayed, modified, or set aside.

8. Applying the ratio of that order dated 12.4.91 to the facts and circumstances of the present case, and having regard to the contents of respondents' own letter dated 18.11.98 this OA succeeds and is allowed to the extent that respondents are directed to consider regularising applicants as LDCs in

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consultation with the Staff Selection Commission in the same manner as was directed in the aforesaid order dated 12.4.91, after giving them necessary age relaxation where necessary, and extending to them the same benefits as contained in para 16(3) of that order. These directions should be complied with by respondents as expeditiously as possible and preferably within 6 months from the date of receipt of a copy of this order. In the event that applicants are continuing to work as LDCs on adhoc basis at present, None of them shall be reverted till the aforesaid consideration by respondents is completed. No costs.


(KULDIP SINGH)
MEMBER(J).


(S.R. ADIGE)
VICE CHAIRMAN (A).

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