

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.963/93

12

New Delhi this the 13th day of July, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN (J)
HON'BLE MR. N. SAHU, MEMBER (A)

1. Shri Bhagwan,
S/o Shri Sadaram Sharma,
R/o V. & P.O. Badli,
Delhi-110042.
2. Jagmohan Ram,
S/o Shri Manai Ram,
R/o 129 Main Market,
Hari Nagar Clock Tower,
New Delhi.
3. Asha Taneja,
w/o Sh. Madan Taneja,
R/o FA 12 Mansrover Garden,
New Delhi-110015.
4. Yoginder Kumar Gaur,
S/o Sh. Jai Narain Gaur,
R/o 1604-A Mamurpur,
Narela, Delhi.
5. Km. Marinder Kaur,
D/o Shri G.S. Bedi,
R/o 2598/1, Shadipur,
Mandirwali gali,
New Delhi.
6. Nandita Chamoly,
W/o shri Madhu Sudan Chamoly,
R/o 258-D Pocket/C
Phase II, Mayur Vihar,
Delhi.
7. Neelam Malik,
W/o Sh. Sunil Malik,
R/o F-6/54-A Pandav Nagar,
Janta Garden Patpar Ganj,
Delhi.
8. Shashi Girdhar,
W/o Sh. Sushil Girdhar,
R/o H-50, Kirti Nagar,
New Delhi.
9. Gurbachan Kaur,
W/o Sh. Himmat Singh,
62 Apna Ghar ~~Colony~~ ^{Society},
Pitam Pura,
Delhi.
10. Promila Mehta,
W/o Sh.R.K. Mehta,
91C CD Block O Pitam Pura,
Near Shiv Mandi,
Delhi.

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11. Harish Kumar,
S/o Sh. Narain Dass,
A5/68, Moti Nagar,
New Delhi.
12. Amar Pal Singh,
S/o Naubat Ram,
R/o Pratap Vihar,
Khoida Colony, Noida.
13. Suman Singh,
S/o Shri Ranjit Singh,
R/o 294 Type III Sector II,
Sadiq Nagar,
New Delhi.
14. Anil Kumar,
S/o Shri Mahesh Dass,
R/o 77 Chander Vihar Mandawali,
Fazalpur, Delhi.
15. Virender Kumar ^{W/o, W}
S/o Shri Jaipal Vats,
R/o 1449/76, Block B Gali No.5,
Durga Puri Road, Delhi.
16. Anand Kumar Jain,
S/o Shri Lekh Chand Jain, ^{L. Masjid}
2183, Khajoor Gali Hanuman Prasad,
Dharampura Delhi.
17. Santosh Bhaskar,
W/o Shri Rakesh Bhaskar,
WZ 1731, Rani Bagh,
Shakur Basti, Delhi.
18. Radha Rani,
W/o Sh. Narinder Kumar,
4/18 Rouse Avenue Road,
Minto Road, New Delhi.
19. Dildet Negi,
W/o Sh. R.S. Negi,
R/o ^{PM} 65-A Paschim Vihar,
MIG Flats, New Delhi.
20. Veena Nagpal,
W/o Sh. Narender Nagpal,
128-A New Lahore shastri Nagar,
Delhi.
21. Kanwal Krishan,
S/o Shri M.M. Lal,
R/o 23/83, Tilak Nagar,
New Delhi.
22. Roop Kishore,
S/o Shri Munshi Lal,
16/936 Bapa Nagar,
Pyare Lal Road,
Karol Bagh, New Delhi.

23. Rishi Pal,
S/o Shri Amar Singh,
B-436, Jahangir Puri,
Delhi.

24. Veena Gulati,
S/o Raj Kumar Gulati,
22/8, Ashok Nagar,
New Delhi.

...Applicants

(By Advocate Dr. D.C. Vohra)

-Versus-

1. The Union of India through
the Secretary, Deptt. of
Personnel & Training, Central Sectt.,
New Delhi.

2. The Chairman,
Union Public Service Commission,
Dhaulpur House, Shahjahan Road,
New Delhi.

...Respondents

(By Advocate Mr.V.S.R. Krishna)


O R D E R

By Reddy. J.:

The applicants have been working as daily wages Clerks with respondent No.2 since 1983. Earlier they filed OA-65/93 for regularisation of their services and while disposing of the said OA by order dated 14.12.90 this Tribunal directed the respondents to regularise their services in consultation with the Staff Selection Commission (SSC) and give the necessary relaxation of age. It was further directed that till the applicants were so regularised, the services of the applicants should not be dispensed with. It was also directed that the applicants should also be given the minimum of the pay scale of LDC till they are regularised. As the respondents did not comply with the order the contempt case had to be filed before the Tribunal in CCP 203/91 and the same was disposed of on 16.7.92. While disposing of the said contempt petition it was observed that the

respondents should comply with the directions granted in the earlier OA regarding regularisation immediately. in compliance of the above order the respondents by an order dated 15.10.92 regularised the services of the applicants. The applicants, however, complain that the directions were not fully implemented. Hence the present OA was filed. The reliefs sought in the OA are that the regularisation in the grade of LDC should be made with effect from 14.12.90, the date of the judgement in OA-65/87 and encadre the applicants into CSCS and grant seniority with effect from the initial appointment as LDCs and to give all consequential benefits as a result of re-fixation of their seniority. The learned counsel for the applicants, therefore, submitted that the applicants are entitled to the above benefits in view of the judgements in OA-65/87 and CCP-203/91.

2. The learned counsel for the respondents, however, submits that the judgements of this Tribunal in OA-65/87 and CCP 203/91 have been complied with fully. The services of the applicants have been regularised as directed by the Tribunal in accordance with the rules. The applicants, it was contended, are not entitled to increments unless they pass the typewriting test to be held by the SSC. They are also not entitled to be included in the CSCS without fulfilling the criteria laid down in the CSCS Rules. It is contended that the applicants will be paid bonus as admissible to regular staff of equivalent status.

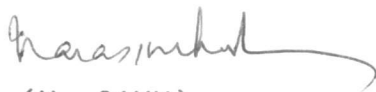


3. At the threshold, it is necessary to look into the order passed in OA-65/87. The reliefs claimed in that OA were mainly for giving the pay scale as given to regular staff and for regularisation of their services. It was never the case of the applicants that they should be regularised with effect from the date of their initial appointments. Considering the catena of judicial decisions the Tribunal directed the respondents to take steps to regularise the services of the applicants and till the applicants are so regularised they should also be given the minimum of the pay scale of LDC. Accordingly, the respondents have given the minimum pay scale as directed. As far as regularisation is concerned, in its memorandum dated 8.10.92 it was stated that steps were being taken to consider regularisation and for that purpose it was decided to conduct typewriting test and the applicants were directed to appear for the said test. Subsequently, the applicants have been regularised with effect from the date of their passing of the typewriting test in conformity with the relevant rules. It is well settled that regularisation can be done only in accordance with the rules. A person who has been initially appointed on ad hoc basis cannot have the benefit of length of service unless he fulfills all the eligibility criteria that are required under the recruitment rules. It is not the case of the applicants that there was any such direction given by the Tribunal in its order. The only direction that was given was that they should be regularised. The typewriting test was an essential condition for the job requirement of LDC which was to be conducted by the SSC. Hence, the applicants were given two years period on the date of the order

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given by the respondents for qualifying the typewriting test to be held by the SSC as per the recruitment rules. The contention that the applicants are not given increment is also not tenable. They will be entitled to increments only after they had passed the typewriting test. The further contention that they are entitled to be regularised in the CSCS cadre is also baseless, as there was no such direction given by the Tribunal and they are not entitled to be regularised as such under law. Under the CSCS Rules they are liable to pass the competitive examination to be held by the SSC. The contention with regard to bonus is also baseless as it was stated by the respondents that it would be given to them in accordance with the rules applicable to the regular employees.

4. Thus, we are of the view that the applicants have been given all the benefits as directed by the Tribunal. The contentions raised by them, are wholly untenable and are rejected. The O.A. is accordingly dismissed. In the circumstances there will be no order as to costs.



(N. SAHU)
MEMBER (A)



(V. RAJAGOPAL REDDY)
VICE-CHAIRMAN(J)

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