

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No.OA 1325 of 1997

Date of order : 30.11.2004

Present : Hon'ble Mr.Mukesh Kumar Gupta, Judicial Member  
Hon'ble Mr.M.K.Mishra, Administrative Member'

MS. K. SINGH & ANR.

VS

UNION OF INDIA & ORS.

For the applicants : None

For the respondents: Mr.M.S.Banerjee, counsel

O R D E R (ORAL)

Mukesh Kumar Gupta, J.M.

None appears for the applicant and therefore we invoked Rule 15(1) of CAT (Procedure) Rules, 1987.

2. By the present application two applicants seek direction to the respondents to regularise them in the post of Hindi Pradhyapak in the scale of Rs.1640-2900/- as well as to hold special selection for them condoning the age bar as prescribed under the rules.

3. The main plea of the applicants is that they were appointed after being sponsored by the Employment Exchange having all requisite qualification for the post in question and after they being found fit they were appointed in 1981. They have rendered their service to the satisfaction of their superiors and ought to have been regularised. Since they have worked for more than 240 days continuously, in terms of the various judgments of the various Courts their non-regularisation tantamounts to violation of Article 14 & 16 of the Constitution of India..

4. The respondents contested the aforesaid application stating that the post in question is a Group 'C' post and is required to be filled by two modes i.e. 75% by Direct Recruitment and 25% by transfer on deputation/ transfer failing which Direct Recruitment. According to the respondents the said post is required to be filled by the Staff Selection Commission and they having appeared in the Examination conducted by the Staff Selection Commission and failed, are debarred from seeking the present relief. It is not denied by the

- 2 -

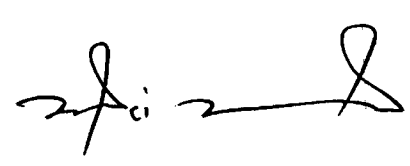
U,

applicants even in the rejoinder filed by them that the said post has to be filled under the Recruitment Rules notified on 13.2.90 (Annexure R/1). It is not not denied that the mode of recruitment is prescribed under the rules as noticed hereinabove. Once the statute/rules are promulgated, the post concerned have to be filled based on rules and cannot be otherwise. When such is the <sup>sole position &</sup> ~~decision~~, we do not find any justification on part of the applicants to contend that merely having worked for 240 days they ought to have been regularised.

5. In view of the above the application is bereft of any merits and accordingly is dismissed. No order as to costs.

  
MEMBER(A)

in

  
MEMBER(J)