

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

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Registration No. 405 of 1991

Vijai Kumar Singh Applicant.

Verma

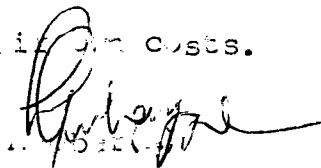
Regional Director (Medical)
Regional Medical Unit (RMU), 2nd Floor,
New Hyderabad Post Office, Lucknow
and Others Respondents.

Hon. Mr. Justice J.C. Srivastava, V.C.
Hon. Mr. K. Upadhyay, Member (A)

(By Hon. Mr. Justice J.C. Srivastava, V.C.)

The applicant was initially appointed as Pharmacist on 14.10.1987 by the Senior Medical Officer Incharge Post and Telegraph Dispensary, Aligarh on daily wages. The applicant continued to work on the said post with certain breaks. The applicant's grievance is that the respondents were bound to obey the directions given by the Regional Director (Medical), Regional Medical Unit (RMU), New Hyderabad, Post Office Lucknow, regarding the regularisation of the applicant which they have not done, and further the order of termination is illegal and void and the applicant who has now become overage after serving the Government has not got appointment anywhere though the vacancies ^{are} lying vacant in the department. So far as the recommendation made by the Regional Director is concerned, the respondents have stated that although he was not the proper authority, but it is only recommended that the applicant may be regularised on other vacant post on adhoc basis. On behalf of the applicant, it was pointed out that 2 posts are still vacant and even if Ran Swaroop Verma was a

in service, the applicant could have been appointed or accommodated against these vacant posts. It has been pointed out by the respondents that one post is a clear post and so far as the second post is concerned, it has not been duly created, however, the General Manager has issued an order. The Government of India has banned recruitments in the posts which have not been created so far. As such, no appointment can be made in accordance with the Recruitment Rules on the Temporary Post of Pharmacist. That may be so, but a temporary appointment, pending appointment in accordance with the rules, can also be made against the temporary post. As the applicant has served with the department since last two years and he has done the overage. Let the case of the applicant be considered for appointment against the temporary or permanent post in accordance with law. Let this consideration be done within a period of three months from the date of communication of this order. The application is disposed of with the above observations. Parties to bear their own costs.




Vice-Chairman

Dated: 20.9.1992

(n.d.)