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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 423/91

Dt. of Decision : 25.4.1994.

C. Sitarama ShankaraSastry

.. Applicant.

Vs

1. The Union of India, Rep. by its
Secretary to Govt.,
Ministry of Steel & Mines,
Department of Mines,
Bhastri Bhavan, New Delhi-1.
2. The Director General,
Geological Survey of India,
27 Jawaharlal Nehru Road,
Calcutta - 14.
3. The Deputy Director General,
Geological Survey of India,
Southern Regional Office,
Bandlagudda, Hyderabad.
4. The Under Secretary,
Staff Selection Commission,
Dept. of Personnel & Trg.,
Govt. of India, Block No. 12,
C.G.O. Complex, Lodhi Road,
New Delhi - 3.

.. Respondents.

Counsel for the Applicant : Mr. Venkateswar Rao

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

O.A.No.423/91

Dt. of decision: 25-4-94

Judgement

I As per the Hon'ble Sri T. Chandrasekhara Reddy, Member (J) X

This application is filed U/s 19 of the A.T. Act to direct the respondents to regularise the services of the applicant in any of the suitable Group-C post by declaring that the applicant is entitled to regular scale of pay attached against which his services would be regularised, and also to direct the respondents to pay all consequential benefits and to pass such ^{other} order as may deem fit in the circumstances of the case.

2. The facts alleged in this O.A. in brief are as follows. The applicant was born on 15-1-1948. The applicant was initially appointed as skilled contingent worker and was engaged by the respondents w.e.f. 31-7-1974 on Rs.8/- per day and continued till December 1984 as such. The applicant was overaged and was not within the age limit at the time of the engagement on 31-7-1974 as skilled contingent worker. As the applicant was qualified person in typing, the applicant was accommodated in the headquarters and assigned the duties of typing work. The applicant appeared for Written Test and Interview in 1982 and was selected to the post of LDC. But the applicant could not be appointed as LDC due to overage at the initial engagement itself. A decision was taken by the Department in general to extend the facility of concession of writing special qualifying examination conducted by the Staff Selection Commission (SSC) in 1987 for the post of LDC. The applicant's name was considered for the said examination and also was declared as 'qualified'. Due to overage, ~~this~~ this time also the applicant could not qualify for appointment

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to the said post, and also was not selected to the post of LDC (Group-C post). The applicant, as usual, was being utilised for typing work. The case of the applicant is that he had been discharging the duties of the Stenographer and as such he is entitled to be absorbed on regular basis in the post of Stenographer carrying the pay scale of Rs.1200-2040. But as could be seen the applicant had never appeared for the selection to the post of Stenographer and has appeared for the post of LDC Exam. conducted by the SSC in the years 1982 and 1987, and though selected could not be appointed due to overage.

3. It is also the case of the applicant as he is regularly working as Skilled contingent worker w.e.f. 31-7-94, and as such continues as on today that the applicant is entitled to be regularised atleast in any of the suitable Group-C posts by giving a proper scale of pay. Hence the present O.A. is filed for the relief as already indicated above.

4. Counter is filed by the respondents opposing the O.A.

5. We have heard Sri K. Phani Raj and Sri V.Venkateshwar Rao, counsel for the applicant and Sri N.R. Devaraj, standing counsel for the respondents.

6. Even though the applicant was selected in the years 1982 and 1987 for the Group-C post, admittedly the applicant could not be appointed in the Group-C post as he was overaged at the time of initial entry into service itself in 1974. So, the respondents could continue the applicant only as skilled contingent worker and have been taking from the applicant typing work by paying the wages in accordance with the rules. Eventhough the applicant is working from the year 1974 onwards in the establishment

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Copy to:-

1. Secretary to Govt., Ministry of Steel & Mines, Department of Mines, Union of India, Bham Shastri Bhavan, New Delhi-1.
2. The Director General, Geological Survey of India, 27, Jawaharlal Nehru road, Calcutta-13.
3. The Deputy Director General, Geological Survey of India, Southern Regional Office, Bandlagudda, Hyderabad.
4. The Under Secretary, Staff Selection Commission, Dept. of Personnel & Trg., Govt. of India, Block No12, C.G.O. Complex, Lodhi road, New Delhi-3.
5. One copy to Sri. V.Venkateswara Rao, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. Copy to All Benches as per standard list of CAT, Hyd.
9. One copy to Dy. Registrar(Judl.)
10. One spare copy.

Rsm/-

of the respondents, the regularisation of services cannot be automatic. The regularisation can be only in accordance with Recruitment Rules. So, as the applicant is overaged and cannot satisfy the Recruitment Rules he cannot be appointed in any Group-C post as per his qualifications. In view of the overage both in the years 1982 and 1987 for appointment to Group-C post the prayer of the applicant for regularisation in the Group-C post is liable to be rejected and is accordingly rejected.

7. The Admv. Officer of the Geological Survey of India, Southern Region, Hyderabad had taken up the matter on 30-11-87 with the Secretary to Govt. of India that the age relaxation in respect of the applicant for appointment to Group-C post may be considered by the Govt. of India and proper orders may be passed for regularisation of services of the applicant in relaxation of his age for appointment to the Group-C post. We are informed that the competent authority has not taken any decision with regard to relaxation of the age of the applicant for regular appointment in Group-C post. It is left to the respondents to pursue the matter with the Central Govt. to regularly appoint the applicant in a Group-C post on the basis of selection in the year 1982 or 1987 for which he is eligible after relaxation of the age limit, in view of the fact that he is continuously working from the year 1974 with the respondents. With the above said observations, the OA is liable to be dismissed, and hereby dismissed. No costs.

(T. Chidrasekhara Reddy)
Member (J)

(A.B. Gorthi)
Member (A)

Dt.

Dr. Registrar (J)

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