

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.120/93

Dt. of order: 26.10.1994

Annamma Thankachen

: Applicant

Vs.

Union of India & Anr.

: Respondents

Mr.R.K.Sharma

: Counsel for applicant

Mr.V.S.Gurjar

: Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.)

PEF HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

Smt.Annamma Thankachen, has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, praying that she may be treated as a regularly appointed L.D.C. since 2.5.90. She has also prayed for being granted equal pay for equal work on the post of L.D.C cum Typist.

2. We have heard the learned counsel for the parties and have perused the records. The applicant was engaged as a casual worker on 2.5.90 against a regular vacancy of Clerk by the respondents and she has been working continuously since that date. She is performing all clerical works as is being done by any other regular L.D.Cs in the Passport Office. She has claimed regularisation also in the post on the ground that employees who have been working on daily wages for the last more than 3 years are entitled to be considered for regularisation. The respondents have stated in the reply that the applicant was engaged as a casual worker and she cannot claim any right to the post since the same is filled-in by the Staff Selection Commission after following the prescribed procedure for recruitment to Class-III posts. It has also been stated in the reply that she was engaged in the Passport Office to perform duties of casual nature only.

3. The applicant's contention is that she is performing all the duties of an L.D.C. and as such she is entitled to receive the same remuneration as are admissible to the regularly appointed L.D.Cs in the Group-C as the nature of duties and responsibilities

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she has been discharging is the same. There is no specific denial of the applicant's claim that she has been performing the same duties as are usually performed by an L.D.C. As such she is, therefore, entitled to equal pay for equal work as prayed for by her. However, her claim for regularisation in the post of an L.D.C. is not sustainable for the reason that one has to face the Staff Selection Commission for appointment on a regular basis and mere availability of vacancies does not entitle the applicant to regularisation in the post of L.D.C.

4. In view of the facts and circumstances stated above, we direct the respondents to grant the minimum of the pay scale of an L.D.C., with D.A. to the applicant from the date of filing of this O.A. i.e. 25.2.93 till she continues in the post. The arrears on this count shall be paid to the applicant within a period of 4 months from the date of the receipt of a copy of this order.

5. The O.A. is disposed of accordingly with no order as to costs.

(O.P.Sharma)
Member(A).

G.Kishan
(Gopal Krishna)
Member(J).