

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 2-2-2001

OA No.325/2000

Ramavtar Verma s/o Shri Ram Niwas Verma r/o D-267, Prem Nagar,  
Khati Pura Road, Jhotwara, presently serving in HQ Salt  
Commissioner, Jaipur

.. Applicant

Versus

1. Union of India through its Secretary to the Ministry of Commerce and Industry, Deptt. of Policy and Promotion, New Delhi.
2. The Salt Commissioner, 2-A, Lavan Bhawan, Lavan Marg, Jhalana Doongri, Post Box.139, Jaipur

.. Respondents

Mr. R.S.Bhaduria, counsel for the applicant

Mr. S.S.Hasan, counsel for the respondents

CORAM:

Hon'ble Mr.A.K.Mishra, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

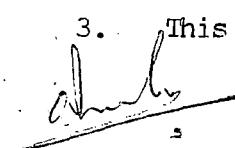
Order

Per Hon'ble Mr. N.P.Nawani, Administrative Member

In this Original Application filed under Section 19 of the Administrative Tribunal Act, the applicant prays that the respondents may be directed to consider regularisation of the services of the applicant on the post of Lower Division Clerk (for short, LDC) from the date of his original entry into the service on ad-hoc/temporary basis w.e.f. 10.5.78 with all consequential benefits.

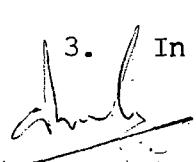
2. Heard the learned counsel for the parties and perused all the material on record.

3. This Tribunal had an occasion to deal with similar



controversy in OA Nos. 558/93 and 648/93, Deepak Sardana v. Union of India and ors. which was decided by a common order dated 9.8.2000. In that case the applicant was given an offer of appointment on the post of LDC on 6.5.77 in the very same office of the Salt Commissioner, Jaipur and was continued as such as long as 23 years without regularisation. It was also noted in that case that the office of the Salt Commissioner, Jaipur came under an obligation to report the vacancies of LDCs to the Staff Selection Commission (for short, SSC) only after 26.7.1979 and thus the applicant therein was appointed as LDC, albeit on ad-hoc basis, much prior to 26.7.1979. It was, therefore, held that if the respondents wanted, they could have regularised the services of the applicant therein without his having to pass the SSC Examination any time between his date of appointment and 26.7.1979 as recruitment through the SSC were made mandatory only after 26.7.1979. Drawing support from a number of decisions of this Tribunal as well as Hon'ble the Supreme Court, the said Original Applications were allowed and respondents were directed to consider regularisation of the applicant on the post of LDC w.e.f. his initial appointment on the post of LDC. In the case in hand also the applicant was appointed on the post of LDC on temporary/ad-hoc basis in the office of the Salt Commissioner, Jaipur on 10.5.1978 i.e. prior to 26.7.1979, the date from which recruitment of LDCs in the office of the Salt Commissioner through the SSC was made mandatory. Therefore, in the present case also, it was open for the respondents to regularise the services of the applicant any time after 10.5.78 and before 26.7.1979 without insisting that he should first clear the examination to be conducted by the SSC. In view of this, we are of the opinion that this case is fully covered by the order of this Tribunal dated 9.8.2000 delivered in OA Nos. 558/93 and 648/93.

3. In these circumstances, we accept this Original Application



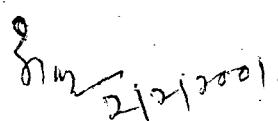
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and direct the respondents to consider regularising the services of the applicant on the post of LDC w.e.f. 10.5.1978 with consequential benefits. This directions may be implemented within a period of six months from the date of receipt of a copy of this order. Parties to bear their own costs.



(N.P.NAWANI)

Adm. Member



(A.K.MISHRA)

Judl. Member