

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No.3964/2015
M.A No.3620/2015**

New Delhi this the 29th day of October, 2015

**Hon'ble Mr. Justice B. P. Katakey, Member (J)
Hon'ble Shri K. N. Srivastava, Member (A)**

1. Shri Brajesh Chandra, aged 45 years,
Steno,
Shri Awadh Prasad Srivastava,
H.No. S1/489, Shalimar Estn.-I,
Sahibabad, Ghaziabad (U.P.).
2. Mr. Asif Ali, aged 35 years,
DEO,
Shri Liaquat Ali,
H.No.53/308,
Near Noor Masjid,
20ft Road, Prem Nagar,
Loni, Ghaziabad-201102.
3. Shri Deepak Kumar, aged 32 years,
DEO,
Shri Om Prakash Sah,
RZ-62, K/3, Vashitha Park,
New Delhi-110046.
4. Shri Gajinder Singh Kataria,
Aged 28 years, DEO,
Shri B.S. Kataria,
28, Kalu Sarai, Begumpur,
Malviya Nagar,
New Delhi-110017.
5. Shri Atul Kr. Srivastava,
Aged 35 years, DEO,
Shri Daya Shankar Lal Srivastava,
H.No.E-129, Room No.20,
Mohammadpur, New Delhi-66.
6. Shri Pradeep Kumar, aged 38 years,
DEO,
Shri Radheshyam Gupta,

2087-A, Ranibagh,
New Delhi-34.

7. Shri Rajesh Kumar, aged 41 years,
DEO,
Shri Jeevan Lal,
RZ-288M, Raj Nagar, Part-II,
Near DDA Park, Palam Colony,
Delhi.
8. Rohit Kumar, aged 27 years
DEO,
Shri Virender Singh,
H.No.C-247,
248 Behind Roop Krishna
Public School, Shahbad Dairy,
Delhi-42.
9. Shri Rahul Sharma, aged 26 years,
DEO,
Shri Vinod Sharma
C-515, Daya Nand Gali,
Nanakchand Basti,
Kotla Muarakpur, New Delhi-03.
10. Shri Shakti Kumar, aged 34 years,
DEO,
Shri Satish Kumar, Block-C, 682,
Sangam Vihar, New Delhi-80.
11. Mr. Zakir Hussain,
aged 39 years, DEO
Lt. Abdul Khalique,
148, Ghitorni Village,
New Delhi-30.
12. Shri Chandan Kr. Sharma,
Aged 28 years, DEO,
Shri Binday Lal,
H.No.66/1, Sec-1,
Pushp Vihar, MB Road,
New Delhi.
13. Shri Surender Pal Singh,
Aged 29 years, DEO,
Shri Sukhbir Singh,
180-A, Pkt-F, Mayur Vihar Ph-II,

Delhi-91.

14. Shri Khem Chand, aged 40 years,
DEO,
Shri Nathuram, 1541, Wazirnagar,
Kotla Mubarakpur, New Delhi-03.
15. Shri Mohit Kumar, aged 27 years,
DEO,
Shri Ramesh Chand,
C-573, Sangam Vihar,
New Delhi.
16. Shri Krishan Kumar,
Aged 29 years, DEO,
Shri Roshan Lal,
Room No.9, 2nd Floor,
160 C/A, Munirika Village,
New Delhi-67.
17. Shri Ajay Kr. Singh,
Aged 43 years, DEO,
Shri Late Jagannath Singh,
D-1/39, St. No.6,
Om Vihar-5, New Delhi.
18. Shri Deepak Gusain,
Aged 29 years, DEO
Shri D.C. Singh,
A-176, Lajpat Nagar,
Sahibabad, Ghaziabad-201.
19. Mrs. Arti Prasad,
Aged 29 years, DEO
W/o Ajay Kr. Prasad,
L-2,25-A, Mohan Garden,
Uttam Nagar, Delhi.
20. Mrs. Goldie Mehta,
Aged 28 years, DEO,
W/o Abhinav Sharma,
H.No.45, Sec-7, R K Puram,
New Delhi-22.
21. Mrs. Sunita Malhotra,
Aged 37 years, DEO,
W/o Narinder Malhotra,

1252, Type-IV Special,
Sec-12, R.K. Puram,
New Delhi.

22. Mrs. Vandana Singh,
Aged 42 years, DEO,
W/o Gopal Singh
1252, Type-IV Special,
Sec-12, RK Puram,
New Delhi.

23. Mrs. Radhika Bisht,
Aged 25 years, Steno,
W/o Mohan Singh Bisth,
Gali No.7, Sanjay Colony,
Safiabad Road, Narela-40.

24. Mrs. Baisakhi Mandal,
Aged 27 years, DEO,
W/o Shri Ashim Kumar Mandal,
AK-73, Shalimar Bagh,
New Delhi.

25. Mrs. Jayashree M Kumar,
Aged 47 years, DEO,
W/o N.M. Kumar
1042, Type-IV, Sec-12,
R K Puram, New Delhi.

26. Mrs. Sunita Pandey,
Aged 36 years, Steno,
W/o Shri Ajay Kumar
J-620, Kalibadi Mandir Marg,
New Delhi-01.

27. Mrs. Babita Negi,
Aged 26 years, DEO,
W/o Arun Rana,
J-620, Kalibadi Mandir Marg,
New Delhi-01.

28. Mrs. Jyoti Bharti,
Aged 28 years, DEO,
W/o Shakti Kumar,
Block-C, 682, Sangam Vihar,
New Delhi-110080.

29. Mrs. Bhageshwari,
Aged 31 years, DEO,
W/o Manoj Patwal,
H.No.155, Block-4,
Andrewsganj, New Delhi.
30. Mrs. Savitri, aged 37 years,
DEO,
W/o Satyanendra Kumar,
180-A, Pkt-F, Mayur Vihar,
New Delhi.
31. Mrs. Tripti Sharma,
Aged 26 years, Steno,
W/o Jai Sharma,
A-37, St. No.6,
West Vinod Nagar,
Delhi-110092.
32. Md. Firoz Ahamed,
Aged 35 years, DEO,
Md. Samiullah,
A-847, 3rd Floor,
Jahangirpuri, New Delhi-33.
33. Mrs. Sweety Rani,
Aged 29 years, Steno,
W/o Shri L. Rajinder Kumar
16/161, H Bapa Nagar,
Arya Samaj Road,
Karol Bagh, Delhi-110005.
34. Mrs. Niti Joshi, aged 32 years, DEO,
W/o Shekhar Chand Joshi,
E-20A, St.No.10, Subhash Vihar,
North Gonda, Bhajanpura, Delhi-53.
35. Shri Ashish Kumar Jha,
Aged 32 years, DEO,
Shri R.N. Jha,
B-17/A, Gali No.3,
Chander Vihar, IP Extn.,
Delhi-110092.
36. Shri Bhupendra Kumar,
Aged 32 years, DEO,
Shri Sukhbir Singh,

81 and 82, 4th floor,
Street no.6, Jain Park,
Uttam Nagar, New Delhi-59.

37. Shri Kishan, aged 31 years,
DEO,
Shri Arjun Lahot,
U-7, Subhash Park,
Uttam Nagar, Delhi-59.

38. Shri Ratan Singh, aged 27 years,
DEO,
Shri Rajinder Singh,
B-148, Tagore Garden Extn,
Near TDI Mall, New Delhi-27.

39. Shri Rohan Mishra, aged 35 years,
Steno,
Shri Chandra Shekhar,
12A, Ber Sarai, Delhi.

40. Shri Surender Yadav, aged 27 years,
DEO,
Shri R M Yadav,
E203, Gali No.6, Pul Pehladpur,
New Delhi-44. ...Applicants

(By Advocate: Shri Rajesh Srivastava)

VERSUS

1. Central Information Commission,
2nd Floor, 'B' wing
August Kranti Bhavan,
Bhikaji Cama Place,
New Delhi-110066.

2. Secretary
Ministry of Personnel,
Public Grievances and Pension,
Department of Personnel and Training,
North Block, New Delhi.

3. Staff Selection Committee
Block no.12, CGO Complex,
Lodhi Road,
New Delhi-11003. ...Respondents

(By Advocate : Mr. Hanu Bhaskar for R-2)

O R D E R (O R A L)

Hon'ble Mr. Justice B. P. Katekey, Member (J)

M.A. 3620/2015 :

Having heard the learned counsel for the parties, the M.A for joining together is allowed.

The M.A stands disposed of

O.A. 3964/2015 :

Heard Mr. Rajesh Srivastava, learned counsel for the applicants and Mr. Hanu Bhaskar, learned counsel appearing for respondent no.2.

2. The applicants, though have filed this application seeking a direction to the respondent-authority to regularise them in their services contending inter alia that since they are working either as Data Entry Operators cum Stenographers or Drivers under the Central Information Commission (C.I.C.) for a considerable period of time, a right has accrued to them to get their services regularised, if necessary by relaxation of the provisions of the related Recruitment Rules.

3. It is evident from the pleadings in the O.A as well as the annexures appended thereto that the applicants were not directly engaged by the CIC either as DEO, Stenographers or as Drivers

but they are out sourced employees engaged by the contractors.

No order of appointment appointing them by the CIC could therefore be produced before this Tribunal by the applicants.

Admittedly, no process of recruitment before engagement of the applicants was initiated by the CIC. Hence, the claim of the applicants for regularisation in service cannot be accepted, as it would amount to encouraging backdoor entry into service depriving thousands others from being candidates for selection and appointment.

4. The learned counsel appearing for the applicant at this stage submits that though they have filed applications for relaxation of upper age limit, apart from other claims and accordingly the Secretary, CIC has also requested the Secretary, DoP&T vide communication dated 05.08.2013 for relaxation of upper age limit of the applicants, as a one-time measure, nothing has been done by the DoP&T till date. The learned counsel, therefore, submits that the O.A may be disposed of directing the respondents, more particularly, the Secretary, DoP&T to consider and dispose of the request of the applicants as well as of the Secretary, CIC for relaxation of the upper age limit of the applicants so that they may appear in the selection process that may be initiated by the Staff Selection Commission.

5. Mr. Hanu Bhaskar, learned counsel appearing for the respondent no.2 submits that in case no decision has been taken by the DoP&T for relaxation relating to the upper age limit, such decision would be taken in accordance with laws and the CIC would accordingly be informed.

6. Having regard to the aforesaid submissions, we dispose of the O.A directing the Secretary, DoP&T to consider the request made by the Secretary, CIC vide communication dated 05.08.2013, in so far as it relates to the relaxation of upper age limit of the applicants only in accordance with law and as one-time measure, if such consideration has not already been made, the same would be done within a period of three weeks from the date of receipt of a copy of this order. Needless to say that if such decision has already been taken, no fresh consideration is required to be made. The decision, if already taken or to be taken shall immediately be communicated to the Secretary, CIC.

7. The O.A is accordingly disposed of. No costs.

(K. N. Shrivastava)
Member (A)

(Justice B.P. Katakey)
Member (J)

/Mbt/