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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.1644 OF 2003

New Delhi, this the 18<sup>th</sup> day of September, 2003

HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER

1. Lal Chand
2. Balkar Singh
3. Sanjeev Kumar
4. Braham Prakash
5. Gini Raj
6. Ashok Kumar Manghi
7. Jai Kishore Sah
8. Oshihar Manghi
9. Bhram Pal
10. Satyender Manghi
11. Rajbeer Singh
12. Suresh Chand
13. Daya Krishan
14. Dular Chand Prasad
15. Chaman Lal
16. Sudesh Kumarr
17. Bishnundeo Yadav
18. Rajesh Kumar
19. Bhagat Singh
20. Anil Kumar
21. Sunder Singh Rana
22. Vidya Nand
23. Shyam Lal
24. Vinod Kumar
25. Ashok Kumar Gill
26. Suresh Ram

27. Tek Singh.  
(All working as Casual Labourers in the Staff  
Selection Commission, Block No.12, C.G.O. Complex,  
Lodhi Road, New Delhi.)

.....Applicants

(By Advocate : Shri H.D. Birdi)



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Versus

1. Union of India  
through Secretary to Govt. of India,  
Department of Personnel & Training,  
North Block, Central Secretariat,  
New Delhi-110001.
2. The Chairman,  
Staff Selection Commission,  
C.G.O. Complex,  
Block No.12,  
Lodhi Road, New Delhi.

.....Respondents

(By Advocate : Mrs. Promila Safaya)

#### ORDER (ORAL)

Applicants in this OA seek regularisation against 17 sanctioned and vacant Group 'D' posts and have also sought regularisation of remaining applicants on creation of Group 'D' posts in view of their continuous working with the Staff Selection Commission (in short 'SSC').

2. Applicants, who were engaged earlier on daily rated casual basis in the SSC, had approached this Court in various OAs, being OA No.1489/1990 with other connected cases, which were disposed of on 11.2.1992 by this Tribunal directing the respondents to regularise the applicants by creating required number of posts and those, who could not be appointed in regular posts, should be borne on a panel from which the engagement should be made as and when need arises in preference to outsiders. The names of the persons, who cannot be appointed in regular posts, should also be forwarded to the Department of Personnel & Training (DOP&T) for consideration for engagement in various other ministries and departments. In pursuance thereof, the applicants have been accorded temporary status in terms of the

DOP&T Scheme of 1993 on 29.11.1993 and their names were placed in seniority list.

3. Learned counsel of the applicants Shri Birdi contends that though the applicants, who have been working continuously, are entitled for regularisation, the respondents have abolished the post to deny the applicants their legitimate right. In this backdrop, it is stated that the posts may be revived as the process has been started by the respondents and the same may be expedited. However, it is admitted that the applicants are still working on temporary basis.

4. On the other hand, respondents counsel Mrs. Promila Safaya denied the contentions of the applicants and stated that out of 27 applicants, 3 applicants are from the first list whereas the other 24 applicants are from the second list. On grant of temporary status, they would be considered for regular appointment subject to availability of vacancies and subject to the fact that no suitable surplus employee is available.

5. Ministry of Finance directed all the ministries vide OM dated 5.8.1999 to undertake a review of all the posts which are lying vacant and to reduce 10% of the existing number of posts. By OM dated 24.9.2000 issued by the Ministry of Finance, it had been directed that the posts which were lying vacant for more than one year were to be abolished.

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6. In compliance of the above order, seven posts of Group 'D' in SSC, Headquarters and Northern Regional Office had been abolished bringing the total number to ten. Since these posts were lying vacant for more than one year, had lapsed. However, SSC has already taken up the matter with the Ministry of Finance through DOP&T for revival of these posts. The regularisation of the applicants would be examined only after the revival of the posts.

7. However, it is contended by placing reliance on a decision of the Apex Court in the case of U.P. Bhumi Sudhar Nigam Ltd. Vs. Shiv Narain Gupta (1995 (1) Supreme Court Cases 9) that one has no indefeasible right to be appointed even if he/she is duly selected.

8. I have carefully considered the rival contentions of the parties and perused the material placed on record.

9. The applicants' continuation with the SSC is not disputed and there is no likelihood of their being dispensed with. The interim prayer made is merely on apprehension and cannot be countenanced.

10. In so far as regularisation is concerned, the regularisation of the applicants on accord of temporary status is strictly to be governed by clause 8 of DOP&T's Scheme of 1993. According to it, those, who are eligible under the Rules, working on temporary



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basis would be considered but preferential claim would be for surplus staff.

11. Moreover, regularisation is subject to the availability of the vacancies.

12. As in view of the Ministry of Finance's OMs, not only seven posts are abolished but remaining 10 posts had lapsed as these posts remained vacant for one year. The SSC has already sent a proposal to the Ministry of Finance through DOP&T to revive 21 posts in Group 'D' in the SSC which would be considered expeditiously to enable the respondents to process the claim of the applicants, who are holding the temporary status since 1993, for regularisation.

13. In view of the above, OA stands disposed of. No costs.

S. Raju  
(SHANKER RAJU)  
JUDICIAL MEMBER

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