
(2014) 08 RAJ CK 0056
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2297/2002

K.L. Meena

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 12-08-2014

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2014) 08 RAJ CK 0056

Hon'ble Judges : J.K. Ranka, J;Ajay Rastogi, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Instant petition is directed against order of the Central Administrative Tribunal ("Tribunal") dt. 09.08.2000 disposing of original application filed by respondent-4 Deepak Sardana with a direction to consider his case for regularization on the post of LDC after due evaluation of his confidential reports for the past five years with consequential benefits.

2. At the outset it may be noticed that in compliance of order of the Tribunal the respondent was regularized in the cadre of LDC in the year 2002 obviously after evaluation of his confidential reports & other service record and thereafter was promoted as UDC and on the post of Assistant and as informed to this Court that he stood retired from service on attaining the age of superannuation on 31.07.2013. Placing reliance upon order of the Tribunal in the case of the present respondent dt. 09.08.2000 Ramavtar who too was similarly situated preferred Original Application No. 325/2000 and that also came to be decided in the same terms vide order dt. 02.02.2001.

3. As it reveals from the record both the two orders of the Tribunal passed in separate original applications dt. 09.08.2000 & 02.02.2001 were clubbed together & jointly assailed by the petitioners by filing of instant petition. The facts of the present respondent brought to our notice and can also be gathered

from order of the Tribunal and culled from the material on record are that he initially joined service as LDC on ad hoc basis on 11.05.1977 pursuant to order dt. 06.05.1977 after his name was sponsored through employment exchange and after the date of issuance of order by which ad hoc appointment in the cadre of LDC offered to him, Staff Selection Commission was created on 07.05.1977 for holding selection for ministerial posts including LDC and indisputably on the date of issuance of order by which ad hoc appointment was offered to the respondent on 06.05.1977 there was no such selection committee for holding regular selections and the Staff Selection Commission came into existence only on 07.05.1977 and after the respondent rendered service for almost 23 years he made a complaint by filing of suit which was later on transferred after creation of the Central Administrative Tribunal under the Central Administrative Tribunal Act, 1985 and his grievance was that as he is working continuously since May, 1977 at least he may now be considered for regularization in the cadre of LDC on which he was initially given appointment on ad hoc basis and his ad hoc appointment was not in violation of mandate of Article 14 of the Constitution since called for through employment exchange which maintains list of eligible candidates and thereafter got appointment on ad hoc basis.

4. It was contended by the respondent before the Tribunal that some of the employees who were similarly situated namely Lal Chand Jonewal, Raj Kumar & V.K. Mathur & working since 1976 prior to him they too have been regularized after sufficient long satisfactory service rendered by them w.e.f. 03.11.1980 and he too being similarly situated also rendered sufficient long service at least may be considered for regularization which may protect his service conditions.

5. The learned Tribunal after taking into consideration the material on record vide its order dt. 09.08.2000 allowed the original application filed by the appellant with a direction to the respondent to consider his case for regularization keeping in view the service which he has rendered after due evaluation of his confidential reports for past five years & other service record and relying upon order of the Tribunal dt. 09.08.2000 the original application filed by Ramavtar bearing no. 325/2000 who too was working for sufficient long time, also came to be decided vide order dt. 02.02.2001. It was not the case of the petitioner that he was allowed to work under some order of the Court or it was not against the sanctioned post and taking note thereof the learned Tribunal was of the view that the respondent deserves indulgence for regularization of service on the post of LDC on which he was working for sufficient long time on ad hoc basis.

6. No-one appeared on behalf of the petitioner.

7. The respondent-4 (Deepak Sardana), present in person, submits that in light of the judgment of Apex Court in Secretary, State of Karnataka and Others Vs. Umadevi and Others, at least order of the Tribunal directing the respondent for regularization deserves acceptance.

8. We have heard the respondent-4 present in person and taking note of the

material on record and the fact that he was offered ad hoc appointment on the post of LDC pursuant to order dt. 06.05.1977 and joined on 11.05.1977 and thereafter regularized in the year 2002 as informed to this Court, while holding the post of Assistant stood retired on attaining age of superannuation on 31.07.2013 and keeping in view the ratio laid down by Apex Court in the judgment referred to supra, in our considered view, order of the Tribunal impugned in the instant proceedings does not require interference by this Court.

9. Consequently, the writ petition is devoid of merit and accordingly dismissed.