
(2011) 02 DEL CK 0100
In the Delhi High Court
Case No : Writ Petition (C) 769 of 2011

L.D. Sharma

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 07-02-2011

Acts Referred:

Citation : (2011) 02 DEL CK 0100

Hon'ble Judges : Dipak Misra, C.J; Sanjiv Khanna, J

Bench : Division Bench

Advocate : Ashish Nischal, for the Appellant; Akshay Chandra, for Neeraj Chaudhari, CGSC for UOI, for the Respondent

Final Decision : Allowed

Judgement

Sanjiv Khanna, J.—In this writ petition preferred under Articles 226 and 227 of the Constitution of India, the Petitioner has challenged the legal tenability of the order dated 25th May, 2010 passed by the Central Administrative Tribunal, Principal Bench (for short, "tribunal") in O.A. No. 2768/2008 whereby the tribunal has declined to extend the benefit of regularization to the Petitioner with effect from 12th December, 1977 on the ground that he did not satisfy the requisite criteria at the stage of initial appointment.

2. We have heard Mr. Ashish Nischal, learned Counsel for the Petitioner and Mr. Akshay Chandra, learned Counsel for the Union of India.

3. It is not disputed that the Petitioner was regularized in the post of Senior Translator on 19th July, 1986 by order dated 31st January, 2008. In the month of December, 2008, he filed the Original Application claiming regularization from December, 1977 instead of 19th July, 1986. As is evincible from narration of facts the Petitioner was appointed as a Senior Translator on ad hoc basis with effect from 14th December, 1977 for a specific period. His services were terminated when it was found that it was not necessary to continue. The said order was challenged in a writ petition. It was transferred to the tribunal forming the

subject matter of O.A. T-No. 788/1986. The said application was decided on 30th May, 1996 whereby the tribunal quashed the order of termination and directed to reinstate the Petitioner with restoration of the status and benefit that he had before passing of the impugned order. It is not disputed that the initial appointment being ad hoc in nature, the status of the Petitioner remained as ad hoc.

4. As is evident from the order impugned, the Respondents keeping in view the directions of the tribunal for relaxation and regularization, directed for regularization of his services with effect from 19th July, 1986 by order dated 31st January, 2008 by relaxation of qualification. Be it noted, the tribunal had passed the said direction and granted the said benefit so that the Petitioner will be conferred the benefit of ACP.

5. After the said order was received by the Petitioner by virtue of which he received the benefit of ACP, the Petitioner approached the tribunal with the prayer that he should be regularized with effect from 14th December, 1977. The tribunal placing reliance on the decision in Secretary, State of Karnataka and Others Vs. Umadevi and Others, had expressed the view as follows:

13. Considering totality of the facts and circumstances of the case and in view of our discussions above, we come to the considered conclusion that the Respondents have complied with the directions of this Tribunal in OA T-788/86 decided on 30.05.1986 and pursued the matter relentlessly to get the Applicant regularized in the post of Senior Translator and having succeeded they have very sincerely passed the order though on the date of Applicants retirement but have given effect to, from 19.7.1986. We find the Respondents order dated 31.1.2008 is in compliance of the Tribunals directions and we do not find any administrative or procedural infirmity for our interference. Resultantly, the Applicant could not establish his case to get his services regularized w.e.f. 12th December, 1977. Hence, finding no merits in the Original Application, the same is dismissed, leaving the parties to bear their own costs.

6. In our considered opinion, the view expressed by the tribunal cannot be held to be erroneous and accordingly we concur with the same. In the result, the writ petition, being devoid of merit, stands dismissed with no order as to costs.