

SUPREME COURT OF INDIA

Union of India

Vs.

Mahender Singh

(K Ramaswamy and G Pattanaik JJ.)

18.11.1996

ORDER

Leave granted.

We have heard learned counsel on both side. This appeal by special leave arises against the order of the Central Administrative Tribunal, New Delhi made on February 8, 1996 in OA No. 1105/95. The admitted position is that the respondents came to be engaged as drivers in Intelligence Bureau, Headquarters, New Delhi from April 24, 1986 to October 5, 1988. They had filed the O.A. for regularisation of their services The tribunal in the impugned order has directed to regularise their serviced as stated hereunder: "In the present case, the experience of the applicants in more than 7 years. They are, therefore, entitled in view of the ration of the above cited case to be considered for regularisation in relaxation of their age and educational qualifications. We accordingly, dispose of this application with the direction to the respondents to consider the applicants for regularisation on the availability of vacancies along with others after granting them necessary educational and age relaxation ad to continue them in their present jobs, subject to work being available, in preference to any other worker who may have lesser experience than them of working with the respondents.

In view of the settled legal position by this Court in State of Haryana vs. Piara Singh [(1992) 4 SCC 118] and plethora of precedents thereafter, the Tribunal obviously is in error in directing regularisation of their services with effect from the respective dates of their appointments, Instead, the appellants are directed to regularise their services in accordance with the rules in the light of the law laid down therein.

It is contended by learned counsel for the respondents that the appellants have relaxed the educational qualifications in respect of 15 persons named in the rejoinder and, therefore, the respondents are also entitled to the same benefit. the learned Solicitor General has placed before us the rules made b the Government on February 4, 1988; Note (2) was appended to Rule 2 (iii) which read as under:

"All the persons working as Security Assistant (Motor Transport) Immediately before coming into force of the Intelligence Bureau (Motor Transport Cadre) Recruitment (Amendment) Rules, 1988 shall be promoted enbloc as junior Intelligence Officer Grade-II (Motor Transport) Irrespective of

the number of years of service rendered by them as Security Assistant (Motor Transport) against the upgraded post of Security Assistant (Motor Transport) as Junior Intelligence Officer, Gr. II (Motor Transport) as one time exception."

It is stated that the previous cadre to which the above persons came to be appointed was abolished. As a consequence, all those persons working as Security Assistant (Motor Transport) were en bloc regularised relaxing their educational qualifications which is only 6th standard and, therefore, it has no application to the case of the respondents. In view of the above position, we do not find any hostile discrimination meted out to the respondents, as contended by the learned counsel for the respondents. The appeal is accordingly allowed and the order in the O.A. Stands disposed of as directed earlier. No costs.