

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.4212/2014

Thursday, this the 23rd day of January 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Shri Pradeep Kumar Sharma
Scientist C
Aged 36 years
s/o Shri Satish Chand Sharma
r/o Flat No.G-1, MIG Plot No.883
Ghaziabad (UP)

..Applicant
(Mr. M K Bhardwaj, Advocate)

Versus

1. The Chairman
National Technical Research Organization
(NTRO)
Govt. of India, Block 3
Old JNU Campus
New Delhi – 110 067

2. Controller of Administration (COA)
National Technical Research Organization
(NTRO)
Govt. of India, Block 3
Old JNU Campus
New Delhi – 110 067

...Respondents
(Mr. Amir Sheikh, Advocate for Mr. Hanu Bhasker,
Advocate)

ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicant was appointed on contractual basis as Scientist 'C', in the National Technical Research



Organization (NTRO), the 1st respondent herein. It is stated that the contract is being extended from time to time. The grievance of the applicant is that though his appointment was on the basis of selection, the order of appointment was issued as though it is on contractual basis. It is stated that the Department itself has called for particulars, for the purpose of regularization way-back in the year 2013 and despite the fact that he furnished the particulars, his services were not regularized.

2. The applicant contends that certain other Scientists 'C', who too were appointed on contractual basis, were appointed on regular basis at a later stage, but similar treatment is not meted out to him.
3. The respondents filed counter affidavit opposing the O.A. It is stated that the applicant was appointed on contractual basis and it is being renewed from time to time. It is also stated that the case of extension of his contractual engagement beyond 31.12.2014 is under process.
4. As regards the comparison drawn by the applicant, the respondents stated that one Mr. Tarvinder Rana was initially appointed on contractual basis as Scientist 'C', but in the year 2006, he was selected by the Selection



Committee when he responded to the circular dated 16.01.2006, for a different specialization. As regards other Scientists also, the reasons for their regularization are mentioned in paragraph 4.7 of counter affidavit.

5. We heard Mr. M K Bhardwaj, learned counsel for applicant and Mr. Sheikh Amir for Mr. Hanu Bhasker, learned counsel for respondents, at length.
6. It is not in dispute that the applicant was appointed on contractual basis on 29.09.2008 as Scientist 'C'. Maybe on account of exigencies of work, the respondents are continuing him on contractual basis by renewing it from time to time. The record is not clear as to the exact steps being taken by the respondents. It appears that the regular selections are also taking place and even those under contractual employment, have participated therein. The applicant has drawn comparison with Tarvinder Rana. As regards him, the respondents in paragraph 4.6 have stated as under:-

“Shri Tarvinder Rana was on contract but subsequently selected to the post of Scientist 'C' on applying for the post on direct recruitment basis as per the selection committee minutes held on 12.07.2006 in response to circular dated 16.01.2006 for a different specialization.”



Regarding others also, in paragraph 4.7, they have stated as under:-

“Regarding the selection of four persons, namely, Shri Ashish, Shri Nitin, Shri Vipin and Shri Rohit it is stated that they were selected on regular basis as Scientist ‘C’ because of their specific knowledge in their domain, having regard to the unique requirements of the organization in view of operational and urgent requirements.”

7. The activities undertaken by the respondents are very sensitive in nature. Much would depend upon the performance of a candidate and the nature of duties to be assigned to him. In a given case, they may straightway regularize the services of an employee, who is on contractual basis, depending on his performance and the exigencies of work. In other cases, the same arrangement may be continued for some more time.

8. From letter dated 24.06.2013 issued by the respondents, it is evident that the steps were, in fact, initiated for regularization of the services of contractual employees. It reads:

“Please refer to letter No.XII/10/KNM/2012- 1802-806 dated 06th Feb. 2013 regarding cases of personnel employed on contractual basis.

2. All employees on contract (age less than 60 years) are requested to forward their willingness to be regularized at the present position to process the case further. Centre Director’s recommendations may please be endorsed on these certificates.



3. The same may kindly be forwarded by 10th July 2013 positively.”

9. The applicant contends that he too has furnished his particulars. In response to said letter, no steps have been taken thereon. We do not intend to give any finding at this stage. It has already been mentioned that the activities undertaken by the respondents are very sensitive in nature and it would be difficult to know the existence of vacancies or nature of duties. This much, however, can be said that once the respondents have called for the particulars from the contractual employees, a final decision in this behalf needs to be taken, as regards regularization. Continuation of an employee on contractual basis for more than a decade, would not be in the interest of anyone.

10. We, therefore, dispose of the O.A. directing the respondents to take a final decision, as regards the claim of the applicant for regularization of his services, within a period of three months from the date of receipt of a copy of this order.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sunil/