

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**



**O.A No. 1787/2019 With
M.A No. 3616/2019 and
M.A No. 2008/2019**

This the 20th day of December, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Mr. Zareef Ahmad 'B'
S/o. Sh. Khaleeq Ahmad
R/o. F-42, CSIR Scientist Apartment
Mahrani Bagh, New Delhi – 110 065.
Aged about 45 years,
Presently posted as Senior
Technical Officer (Ad hoc)

...Applicant

(By Advocate : Ms. Jasvinder Kaur)

Versus

1. Council of Scientific & Industrial Research
Anusandhan Bhawan, Rafi Marg,
New Delhi,
Through its Director General.

2. Joint Secretary (Admn)
Council of Scientific & Industrial Research,
Anusandhan Bhawan, Rafi Marg,
New Delhi.

...Respondents

(By Advocate : Mr. Praveen Swaroop)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The respondents issued an advertisement on 30.09.2009 inviting application for appointment to the post of Grade III (5), Sr. Technical Officer (STO) for a period of 6 months. The applicant was selected and issued an order of appointment for

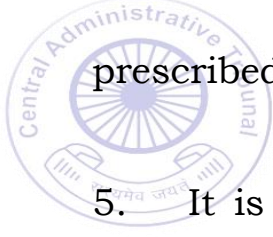
a period of 6 months. It is stated that it was extended from time to time. One more advertisement was issued for regular selection in the year 2013. The process was gone half way through. This O.A is filed with a prayer to direct the respondents no. 1 and 2 to appoint and absorb the applicant against the post of STO and to pay the arrears of salary. The applicant contends that once he was selected, may be on ad hoc basis, the very fact that he has been continued for such a long time discloses that he is otherwise suitable and the respondents are under obligation to regularise his service.

2. The respondents filed counter affidavit opposing the O.A. It is stated that the ad hoc appointment was only to meet the necessity of the work load at relevant point of time and no right is conferred upon the applicant. It is also stated that two attempts were made to fill the post once in 2009 and thereafter on 2013 but for want of a suitable candidate, the effort did not fructify. It is also stated that the applicant does not hold the qualification prescribed for the post under the Recruitment Rules for the year 2011.

3. We heard Ms. Jasvinder Kaur, learned counsel for applicant and Mr. Praveen Swaroop, learned counsel for respondents.

4. The applicant claims relief of regularisation in the post of STO. Two hurdles came in the way. The first is that, there is

no provision for regularisation of ad hoc employees in the post of STO. The second is that the applicant does not hold the prescribed qualification.



5. It is only in case of the employees in a lower category, such as Group 'D' employees, that the claim of regularisation was permitted in certain organisations. In a highly technical post like STO, the question of regularisation of service of ad hoc employees does not arise. The recruitment process involves the selection of candidates after verification of the prescribed qualification. Added to that, the applicant does not hold the qualifications prescribed under the present rules. Therefore, we are not inclined to grant the relief claimed in the O.A. However, the services of the applicant shall be availed as and when the work load exists and he shall not be replaced by any other ad hoc employee.

6. With the above direction, the O.A is disposed of. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/