

(4)

Central Administrative Tribunal
Principal Bench

O.A. No. 3194 of 2001

New Delhi, dated this the 25th JANUARY 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE SHANKER RAJU, MEMBER (J)

1. Shri Gyan Swaroop Thakur,
S/o Shri Swaroop Thakur,
R/o 142, Sector IV, R.K. Puram,
New Delhi-110022.
2. Ms. Nishu Gandhi,
D/o Shri M.L. Gandhi
3. Ms. Jyoti S. Minj,
D/o Shri S. Minj
4. Shri Avinash Kumar,
S/o Shri Mam Chand
5. Shri Manoj Kumar Malik,
S/o Shri Nathan Singh
6. Shri Anuj Kumar Gupta,
S/o Shri Trilok Chand Gupta
7. Shri Chander Shekhar Singh
S/o Shri Chander Kiran Singh
8. Ms. Nidhi Jain
D/o Shri J.K. Jain
9. Ms. Mona Sethi,
D/o Shri Jaswant Singh Sethi
10. Ms. Veena
W/o Shri Rakesh Sachdeva
11. Ms. Poonam Rathi,
D/o Shri A.K. Rathi
12. Shri Jayant Kumar Singh,
S/o Shri Jaswant Singh
13. Shri Ajay Tomar,
S/o Shri Hakim Singh Tomar .. Applicants

(By Advocate: Shri R.P. Kapur)

Versus

1. Union of India,
Ministry of Finance through
its Secretary,
North Block, New Delhi.
 2. The Central Board of Direct Taxes
through the Principal Chief Controller of
Accounts,
9th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.
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3. The Controller General of Accounts through
Assistant Controller of Accounts,
Ministry of Finance,
Lok Nayak Bhawan,
New Delhi.
4. Zonal Accounts Officer,
CBDT, Aayakar Bhawan,
Bhainsali Ground, Meerut.
5. Zonal Accounts Officer,
CBDT, 6th Floor,
Aayakar Bhawan,
Sanjay Place,
M.G. Road,
Agra-282002. .. Respondents

(By Advocate: Shri M.M. Sudan)

ORDER

S.R. ADIGE, VC (A)

Applicants impugn respondents' order dated 7.11.2001 (Annexure A-1 Colly) and seek a direction to respondents to be put back in service and be treated as continued service with consequential benefits.

2. Heard.

3. Applicants were appointed as Accountants on ad hoc basis initially for a period of 6 months (specimen copy of appointment order dated 14.3.2001 issued by Office of Principal Chief Controller of Accounts (Annexure A-2 colly) or till the regular incumbents sponsored by Staff Selection Commission/ Controller General of Accounts or by transfer joined the organisation, whichever was earlier. This ad hoc appointment was further extended vide order dated 7.11.2001.

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4. Subsequently when it came to the notice of the Controller General of Accounts, who is admittedly superior to the Principal Chief Controller of Accounts, that these ad hoc appointments were contrary to the Recruitment Rules (Annexure R-1), which require that posts remaining unfilled by direct recruitment through SSC may be filled through deputation, by taking persons from appropriate grade from other organised Accounts Services and Government departments, these ad hoc appointments have been terminated by impugned order dated 7.11.2001 as being contrary to the Recruitment Rules which have been promulgated under Article 309 of the Constitution. Accordingly respondents have taken steps to obtain names of willing and suitable candidates on deputation basis vide advertisement annexed with applicant's M.A. No. 18/2002.

5. Respondents have stated in their reply affidavit that applicants in the present O.A. will not be replaced by fresh ad hoc appointees, and recruitment will be made only through permissible channels.

6. Noting this assurance, we hold that the O.A. warrants no interference. It is dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

karthik

S.R. Adige
(S.R. Adige)
Vice Chairman (A)