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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CP NO: 42/2004 IN
OA NO. 976/2001

This the 16th day of March, 2004

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.A. SINGH, MEMBER (A)

Sangeeta Vashisht,
D/o Sh. R.K.Vashisht,
R/o H.No.A-6/216,
Pashchim Vihar,
New Delhi.

(By advocate: Sh. Subhash Sharma)

Versus

1. Smt. Kusum Veer (Director)
Central Hindi Training Institute,
Ministry of Home Affairs,
7th Floor, Paryaveran Bhawan,
CGO Complex,
Lodhi Road, New Delhi-3.
2. Sh. N.B.Nainwal,
Administrative Officer,
Central Hindi Training Institute,
Ministry of Home Affairs,
7th Floor, Paryaveran Bhawan,
CGO Complex,
Lodhi Road, New Delhi.

(By Advocate: Sh. B.S.Jain)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Heard on the CP.

2. Applicant who had been employed as an ad hoc Typist by the respondents had approached this Tribunal vide OA-976/2001. OA was decided on 10.1.2002. While deciding the OA Court observed that in the light of this Court's order dated 29.8.2001 in OA-976/2001 where three other similar candidates have also approached the Court for their regularisation, on the similar lines this OA was decided and it was directed that in the event applicant applies for participation in the selection for direct recruitment to the post of LDC to be held

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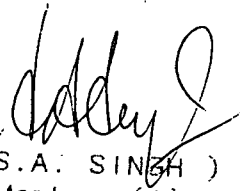
by SSC, she should move the same through the office in which she is working, who in turn will forward the application to SSC for consideration for age relaxation to the extent that applicant has worked as LDC in respondents organisation.

3. Following this observation applicant did apply to the department for forwarding her application to SSC so that she could participate in the examination and thereby she may be considered for regularisation. But unfortunately applicant could not qualify the examination. So thereafter her services have been terminated.

4. Applicant now alleges that the respondents have committed contempt of Court as in para 3 of the judgment given in OA-976/2001 Court had observed that "meanwhile" applicant who is working on ad hoc basis as LDC with respondents since 1994 should not be replaced by another ad hoc employee, and should be replaced only by a regular employee. Since her services are not replaced by regular employee, so her termination amounts to contempt of Court as the respondents have terminated her services in view of this observation of the Tribunal.

5. In our considered view as per the direction of the Court it is only a "meanwhile" arrangement, i.e. as the same follows in para 2 of the judgment wherein applicant had been given right to participate in the examination to be conducted by SSC even with the consideration of age relaxation and in case she qualified that examination she will be considered for regularisation. In the meanwhile she was to continue as ad hoc clerk and her services should not be terminated. Since

applicant could not qualify the SSC examination, applicant has no right to continue in service so she could be disengaged. This does not amount to disobedience of the orders of the Court in the OA. Nothing survives in the OA. CP stands disposed of.


(S.A. SINGH)
Member (A)


(KULDIP SINGH)
Member (J)

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