

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 1994/99

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New Delhi this the 15th day of September 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)  
Hon'ble Mrs. Shanta Shastray, Member (A)

1. Shri Charan Dass  
S/o Late Shri Bhagwanta Singh,  
R/o 123, Type-II Quarters,  
Minto Road, New Delhi.

2. Shri Dinesh Kumar Tiwari  
S/o Shri Harish Chandra Tiwari,  
Assistant Public Prosecutor, Patiala  
House Courts, New Delhi.

...Applicants

(By Advocate: Shri G.D. Gupta)

Versus

1. The Government of National Capital  
Territory of Delhi through its Chief  
Secretary, 5, Sham Nath Marg, Delhi.

2. The Director of Prosecution, Government  
of National Capital Territory of Delhi,  
Tis Hazari Courts, Delhi-54.

3. Union Public Service Commission  
through its Secretary, Dholpur  
House, Shahjehan Road, New Delhi.

...Respondents

ORDER (Oral)

By Reddy, J.:

Heard the counsel for applicants.

2. The applicants are Assistant Public  
Prosecutors who have been engaged on contractual  
basis by the respondents NCT of Delhi, for a period  
of six months which was continued thereafter from  
time to time. The term of the 2nd applicant  
expires today and term of the first applicant  
expires on 30.9.99. The relief claimed in the OA is  
for a declaration that the applicants are entitled  
to be regularised in their appointments as Assistant

OR

Public Prosecutors and hence their services are not liable to be terminated. It is alternatively prayed that the respondents should be directed not to terminate the services of the applicants till all the posts of Assistant Public Prosecutors are filled up on regular basis. It is the case of the applicants that in pursuance of the advertisement issued by the UPSC in June/July 1998 inviting applications for appointing APPs on regular basis the applicants had appeared for the examination but did not succeed. Learned counsel for applicant contends that as the respondents had not made regular appointments the applicants are entitled to continue in the 49 vacancies that were sought to be filled up in the advertisement in 1995 inspite of the expiry of the period of their contract. (3)

3. The identical questions have been considered by the Principal Bench of the Tribunal in which one of us (Hon'ble VC (J)) is a party, in OA No. 1240/99 and batch and disposed of the same by judgment dated 10.9.99 holding that the applicants therein who were selected but not appointed as APPs, were not entitled for appointment as APPs and that the advertisement issued by UPSC inviting applications for regular appointment for APPs and the selections made, was valid. Thus it is clear that the UPSC, following the Recruitment Rules of the APPs, have validly made the selections and recommended candidates for the appointment to the post of APPs to the NCT of Delhi. The appointments, obviously, are not made on regular basis in pursuance of the recommendations of the Union Public

CCB

(A)

Service Commission, in view of the pendency of the above OAs, in which judgment was delivered only recently on 10.9.99. The applicants' contract of appointment was only for a period of six months or till such time the appointments were made regularly through the Union Public Service Commission which ever was earlier. Hence it cannot be contended that the applicants are entitled to be appointed, regularly for the vacancies of APPs, that arose in 1995. All the vacancies pertain to the posts of APPs in NCT of Delhi. We are of the view that the above judgment in OA-1240/99 and batch squarely covers the points raised herein. L

4. In the circumstances, OA is liable to be dismissed at the admission stage. However, while disposing of the above OAs, as a direction was issued that if NCT Delhi makes any ad hoc appointments they will also consider the applicants (therein) in terms of the results of the selection made by them and in the present case as the applicants have already been appointed adhoc they may also be considered if the NCT Delhi makes any ad hoc appointments. Subject to the above direction the OA is dismissed.

Dasti order.

*Shanta S.*  
 (Mrs. Shanta Shastray)  
 Member (A)

*Andhrapradesh*  
 (V. Rajagopala Reddy)  
 Vice-Chairman (J)

CC: