

Central Administrative Tribunal
Principal Bench: New Delhi

New Delhi this the 27 day of Jaunary 1997

OA No.217/95

(21)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

Mukesh Kumar
Son of Shri Sahib Singh
Ex-peon of Directorate of Employment
Govt. of NCT of Delhi
R/o Village & P.O. Tajpur Kalan
Delhi - 110 036

...Applicant

(By advocate: Shri B.Krishan)

1. Govt. of NCT of Delhi
Through its Chief Secretary
5, Sham Nath Marg
Delhi
2. Director of Employment & Labour Commissioner
Directorate of Employment
Govt. of NCT of Delhi
15 Rajpur Road, New Delhi.
3. The Joint Director of Employment
Dte. of Employment
No.2 Battery Lane (Rajpur Road)
New Delhi - 110 054.

...Respondents.

(By advocate: Shri Jog Singh)

O R D E R

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This application was heard alongwith OA Nos.2096, 2108, 2331, 2095
2332, 2471, 2472, 2525, 2526, 2582 of 1994, 39, 3005, 345 and 1429 of
1995 as the background in which the services of the applicants in
these cases were dispensed with was identical and as common question
of law and facts was involved. All these applications refer to
discontinuance of services of Class-IV employees under the Directorate
of Employment on ad-hoc basis during a particular time. However, as
each of the case presents its own special features, we find that it
is more convenient to dispose of the applications individually
though heard together.

(Signature)

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2. The applicant has assailed the order dated 8.12.94 by which his appointment alongwith the appointment of four other persons were discontinued allegedly for the reason that the appointments were made erroneously, irregularly and unauthorisedly by the Joint Director. The facts are as follows:

3. The applicant received an offer of appointment as peon purely on ad-hoc and emergent basis on 6.7.92. He joined the post on 17.7.92. He was thereafter again posted on emergent basis as a stop gap arrangement against the post of a Daftri w.e.f. 1.1.93. While he was continuing so, the impugned order was passed. According to the applicant, the impugned order was passed on account of certain dispute between the second respondent and the Joint Director and discontinuance that the order of discontinuance without giving him an opportunity to put forth his case is vitiated by violation of the principles of natural justice.

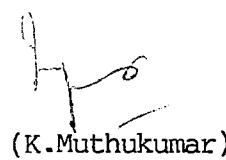
4. Respondents contend that as it was revealed on a probe that the appointments to the post of Class-IV employees in the Directorate of Employment were made unauthorisedly, erroneously against the sanctioned strength and violating the rules and instructions, it was decided to cancel the appointments in the public interest and to have the matter investigated. They contend that the applicant has no valid right to hold the post and, therefore, he is not entitled to any relief.

5. We have heard learned counsel on either side and have perused the pleadings. The file which led to the passing of the impugned order was also seen by us. The applicant's appointment was only on ad-hoc basis. It is contended there was no post and, therefore the services of the applicant had to be discontinued though it is also stated that the appointment were made erroneously, irregularly and unauthorisedly by the Joint Director for ulterior motives. The applicant whose appointment was made on ad-hoc basis has no right to claim that he should be continued. It has been made clear in the

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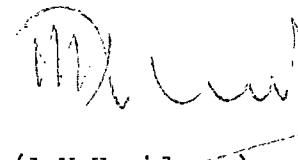
reply statement that all the appointments made in the same manner as in the case of the applicant were discontinued. We do not find any reason for judicial intervention in this matter.

6. In the result, the applicant is not entitled to any relief prayed for. However, if ultimately on completion of the investigation it is found that the appointment of the applicant was not vitiated, the respondents shall consider resumption of his services if need to continue ad-hoc appointment is still there. With the above direction, the application is disposed of without any order as to costs.



(K. Muthukumar)

Member (A)



(A.V. Haridasan)

Vice Chairman (J)

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