

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA No.830/1995

(8)

New Delhi this the 10th day of April, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Fateh Chand
S/O Sh. Nathu Ram
r/o 75, Lalita Block,
Shastri Nagar, Delhi-52

2. Raj Pal
S/O Sh. Mool Chand
r/o 661, Lodhi Road Complex,
New Delhi-

3. Pritam Chand
S/O Sh. Milkhi Ram
r/o H-98, Kalibari Marg,
New Delhi-1

4. Tara Chand
S/O Sh. Chandgi Ram
r/o H. No. 70, Village Mohammedpur,
New Delhi-66

5. Shankar Lal
S/O Late Sh. R.B. Lal
r/o 59/703, Panchkuin Road,
New Delhi.

.. Applicants

(None for the applicants)

Versus

Union of India, through
Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhawan, New Delhi-1

.. Respondent

(None for the respondents)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicants, five in number, have filed this application stating that they have genuine apprehension that there is an imminent threat of their being retrenched from service or reduced to the status of casual labourers from their post of Group 'D' peons which is, therefore, prejudicial to them.

2. The applicants have stated that they have been working with the respondents on ad hoc basis as Peons from 1987 and 1988 onwards. According to them, they were all sponsored by the Employment Exchange. According to them, they have been medically tested and also have other acquired qualifications and they are working on ad hoc basis as peons for a number of years.

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(a)

They have stated that they have been continuously working with the respondents without any break in service. According to them, the respondents have neither extended their period of appointment nor have regularised them in the post of peons as they have done in the case of other similarly situated persons like S/Shri Mahender Kumar Sharma and Shishpal Singh. They have also referred to the DOP&T OM dated 30.3.1988. They have submitted that they were regularly recruited Group 'D' employees duly sponsored by the Employment Exchange and their appointments were regular in all respects except for the words 'Ad hoc' prefixed with the word appointment. They have also stated that in case they are removed from service, they will be overaged and none of them would be able to secure any job elsewhere, and in any case, the respondents cannot be allowed to take any action in violation of Articles 14 and 16 of the Constitution. They have prayed that a direction may be given to the respondents not to take any action prejudicial to the interests of the applicants, particularly not to retrench them or terminate them from service or reduce them to the position of casual labourers. They have also sought a direction to the respondents to regularise the services of the applicants in Group 'D' posts immediately, and count the continuous ad hoc services rendered by them for all purposes, including seniority, promotion and other benefits as available to other Group 'D' employees.

3. The respondents in their reply have submitted that the applicants were appointed on ad hoc basis with a specific condition that their appointments may be terminated at any time by a half-month's notice given by either side ^{ie. by} by the appointee or the appointing authority without assigning any reasons. They have stated that accordingly the services of the applicants can be terminated when no longer required by the respondents. According to them they have been working on ad hoc basis as there has ~~not~~ been no regular vacancy in the grade of Peon. They have stated that the applicants were appointed on ad hoc

(b)

basis as the regular incumbents of the posts of Peons were promoted as ad hoc LDCs. They have, therefore, submitted that till the work is available, the applicants will continue to work on ad hoc basis. They have also submitted that the vacancies which arose due to promotion of peons as ad hoc LDCs are likely to be filled up by the same LDCs. Regular peons on their reversion to the posts of Peon, ~~and hence~~ the services of the applicants are, therefore, likely to be terminated on the reversion of ad hoc LDCs to their substantive grade. They have also stated that the applicants cannot be appointed on regular basis as there is no regular vacancy in the grade of Peons ~~existing~~ and if their services are terminated they will be done as per the conditions stipulated in the offer of appointment.

4. The applicants have filed rejoinder, more or less reiterating the facts mentioned in the OA. They have also submitted that in the circumstances, the respondents cannot terminate their services and the respondents should create more posts in the cadre as they have a right to continue; otherwise according to them it would amount to discrimination.

5. I have perused the pleadings and documents on record. This case was listed at item No.5 in today's cause list and either the applicants or their counsel should have been present. On 9.2.2000, Shri George Paracken, learned counsel had stated that Sh. H.K. Saxena who was the earlier counsel for the applicants has unfortunately expired and had prayed for an adjournment on behalf of the applicants to ascertain whether they wish to engage their counsel or not. Today none has appeared for the applicants. I have accordingly perused the pleadings.

6. From the facts mentioned above, it is clear that the applicants were appointed as peons on ad hoc basis which have been continued from time to time. It has also been stated in the appointment letters that these appointments are purely on ad hoc basis and will not bestow any claim on the applicants for their regular appointment. From the reply filed by the respondents on 26.7.95 it is seen that the applicants have been appointed on ad hoc

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basis as peons on the vacancies arising out of the regular peons who had been in turn promoted as ad hoc LDCs. As neither of the parties are available, the present position of the case is not clear, namely, whether the ad hoc arrangement of the applicants is still continuing as before in the posts of ad hoc peons or not. The claim of the applicants that as they have put in more than seven years ad hoc service, they should be regularised in the Grade 'D' posts immediately will not lie, as this can only be done in accordance with the relevant rules and instructions. In the absence of the regular ~~vacancies~~ in the grade of Peons, no such directions can be granted to the respondents to regularise them with immediate effect. However, if the ad hoc LDCs are still continuing for whatever reasons in ~~these~~ posts, the apprehension of the applicants as stated by them in the OA would also not be well founded.

7. Noting the above facts and particular, the fact that none of the applicants are interested in pursuing the matter further, the OA is disposed of leaving it open to the respondents to take necessary action in the matter in accordance with the relevant rules and instructions. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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