

✓ Central Administrative Tribunal, Principal Bench

O.A. 2008/97PB

New Delhi, this the 25th day of August, 2000

Hon'ble Mr. Kuldip Singh, Member (J)

Hon'ble Mrs. Shanta Shastray, Member (A)

1. Lalan Ravidas S/o Deo Sharan Ravidas
R/o Village and P.O. Sona Gopalpur
P.S. Gopalpur O.P. (Gaurichak)
District Patna.
2. Subhash Kumar S/o Shri Bengali DAs
R/o Village Bharthu P.S., Bharthu
District Jehanabad.Applicants

By Advocate Shri M.K. Bhardwaj, proxy for Sh.A.K.
Bhardwaj, Counsel.

Versus

1. The Union of India through the Secretary,
Ministry & Department of Personnel &
Administrative Reforms,
New Delhi.
2. Chairman,
Principal Bench of the Central Administrative
Tribunal,
Faridkot House,
Copernicus Marg,
New Delhi-110 001.
3. Vice-Chairman,
Central Administrative Tribunal,
Patna Bench,
68-A, Shrikrishna Nagar, Patna.
4. Registrar,
Central Administrative Tribunal,
Patna Bench,
68-A, Shrikrishna Nagar, Patna.
5. Sri Upendra Kumar Singh son of not known
Ad-hoc LDC through the Registrar,
Central Administrative Tribunal, Patna Bench,
68-A, Shrikrishna Nagar, Patna.
6. Sri Sabbir Ahmed son of not known
Ad-hoc LDC through the Registrar
Central Administrative Tribunal, Patna Bench,
68-A, Shrikrishna Nagar, Patna. Respondents

By Advocate Shri N.S. Mehta with Shri Raja Ram, UDC.

ORDER

By Hon'ble Mr. Kuldip Singh, Member (J)

Both the applicants in this case were appointed

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as ad hoc L.D. Clerks of the Central Administrative Tribunal, Patna Bench. The offer of appointment was issued to both of them on 15.10.93 wherein it was specifically mentioned that the appointment is purely on ad hoc basis till regular appointments are made by the Staff Selection Commission or for a maximum period of one year whichever is earlier.

(8)

2. The applicant No.1 alleges that his services had been terminated on 27.10.94 and applicant No.2 alleges that his services had been terminated w.e.f. 4.11.94 by verbal orders. So aggrieved by these termination orders, they have filed the present OA.

3. It is further stated that since there was shortage of staff, the respondents have asked the Employment Exchange to sponsor the candidates and the applicants names were sponsored by the local Employment Exchange and they had also undertaken a written test and it is only after the test was conducted, they had been appointed. It is also stated that both the applicants belong to Scheduled Caste community.

4. It is further pleaded that along with these two applicants, 3 other persons who belong to the general category were employed on similar ad hoc basis from the same recruitment test conducted by the respondents. The applicants further have a grievance that the three general category candidates have been given further extension but the applicants have not been given further extension so

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discriminatory treatment ~~has~~ been given to the applicants.

(a)

5. The respondents contested the O.A. and submitted that applicants' grievance ~~has~~ no merits since they were appointed purely on ad hoc basis and no ad hoc appointment could be made regular as the post is to be filled through SSC.

6. It is further stated that 6 posts of LDCs were lying vacant in the year 1992 and out of which 2 posts which were meant for SC/ST candidates to be nominated by the SSC and that is why the applicants were appointed with the condition that their appointment is made purely on ad hoc basis for a period of one year or till regular appointees are nominated by the SSC in the category of SC/ST candidates.

7. As regards the appointment of general candidates is concerned, it is stated that the appointments of the general candidates have been continued on ad hoc basis since no candidates of the general category had been sponsored by the SSC and as the SC/ST candidates have been made available by the SSC, so the appointment of the applicants had been terminated.

8. We have heard the learned counsel for the parties and have gone through the records of the case.

9. It is a well settled law that whenever an ad hoc

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appointment is made and that too for a short term and the incumbent sought to be replaced by a regularly nominated candidate by the SSC, then the ad hoc employee cannot have any grievance. As per the Recruitment Rules for the post of LDCs is concerned, the Recruitment Rules do show that the LDC can be appointed on ad hoc basis till the nomination of a candidate by the SSC and in this case out of the six vacancies two belongs to the SC category against which the applicants were appointed on ad hoc basis and the SSC had nominated 2 candidates belonging to SC category so those candidates could replace the applicants and the applicants cannot have any grievance about the same as they have to make room for the regularly appointed LDCs nominated through the SSC.

(20)

10. The learned counsel for the respondents has relied upon case reported in 1995 (Suppl) (4) SCC 49 entitled as State of Orissa & ors. vs. Diptimala Patra & ors. and the same case has been relied ^{upon} by the Tribunal while dismissing OA-683/96 - Ajay Kumar & ors. vs. Union of India decided on 10.8.2000 where it has been stated that ad-hoc appointees have to make room for regular recruited persons through SSC. As such, in this case also we can rely upon the judgment referred to by the learned counsel for the respondents and we note that the applicants have no cause of action and the OA does not call for any interference and the same is dismissed. No costs.

Shanta

(Mrs. Shanta Shastry)
Member (A)

Kuldeep

(Kuldeep Singh)
Member (J)

/Rakesh