

Central Administrative Tribunal

Principal Bench: New Delhi

OA No.2095/94

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New Delhi this the 22nd day of January 1997

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

✓ Hon'ble Mr K.Muthukumar, Member (A)

Jitender Singh
Son of Shri Raghubir Singh
House No.399, Vill. & P.O.Bankner
Delhi.

...Applicant

(By advocate: Shri C.B.Verma)

Versus

1. Govt. of NCT of Delhi
through Chief Secretary
5, Sham Nath Marg
Delhi.
2. Director of Employment
2, Battery Lane, Delhi.
3. Rakesh Kumar
S/o Banwari Lal
Vill. & P.O. Bharthal
New Delhi through Director, Employment
2, Battery Lane, Delhi.
4. Shamsher Singh, *per*
through Director of Employment
2, Battery Lane, Delhi.

...Respondents.

(By advocate: Shri M.L.Sharma)

O R D E R

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

This application was heard alongwith OA Nos.2096, 2108, 2331, 2332, 2471, 2472, 2525, 2526. 2582 of 1994, 39, 217, 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 the 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.

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2. In this OA, the applicant has prayed that the impugned order dated 30.6.93 of the second respondent discontinuing his services with immediate effect may be set aside. The facts necessary for disposal of this application can be briefly stated as follows:

3. On 26.2.92, the applicant was called upon to appear before a Staff Selection Board in the Directorate of Employment for selection to the post of peon in the scale of Rs.750-940. He received an offer of appointment dated 22.1.93 informing that his appointment was on ad-hoc and emergent basis. However, the applicant joined his post on 25.1.93. While the applicant was continuing as peon, he received another order of appointment as peon in the same office in the pay scale of Rs.750-940 on ad-hoc basis in place of one Shri Raghubir Singh under suspension. In continuation of this order of 16.9.93, the applicant received another order which was followed by another one dated 10.2.94. However, while he was discharging his duties as peon, to his dismay, the applicant received the impugned order discontinuing his services with immediate effect. Stating that 7 persons named in para 10 of the application appointed similarly like him were continued in service and the services of respondents 3 & 4 were regularised, the applicant has filed this application for having the impugned order quashed and for a direction to the respondents to reinstate him in service on the ground that the respondents have violated the principles of natural justice by discontinuing his services and have also acted against the equality provisions contained in Articles 14 & 16 of the Constitution by discontinuing the services of the applicant while retaining those who were appointed under similar circumstances.

4. Respondents in their reply contend that on receipt of various complaints about illegal, irregular and unauthorised appointments being made in the Directorate of Employment, the matter was probed into and that finding that there were no proper minutes prepared for the alleged interview on 26.6.92 and 1.7.92 and the appointments


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were made towards non-existent vacancies, it was decided to discontinue the services of those who were engaged irregularly by the then Joint Director and to refer the matter for investigation by the Anti-Corruption Department. The services of the applicant were discontinued under these circumstances and as the applicant was illegally and irregularly appointed towards non-existent vacancy, he is not entitled to any relief as prayed for, contend the respondents.

5. We have heard at length the counsel appearing for the applicant and for the respondents. Learned counsel for the respondents made available for our perusal the file which led to the passing of the impugned order discontinuing the services of the applicant. The file discloses that on a detailed probe into the matter, it was found that the appointments were made violating rules, regulations and instructions and at a time when there was no vacancy and that the appointments were made to more than one person against one vacancy. The file also discloses that the matter was under investigation by Anti-Corruption Department. If the applicant was appointed in an irregular manner and against the recruitment rules and other government instructions, the appointment does not confer on him any valid right to hold the post. Even otherwise, as the applicant's appointment was on ad-hoc and emergent basis and was made against Shri Raghubir Singh, peon under suspension, the impugned order dated 30.6.93 discontinuing his services is perfectly in order.

6. In the result, the applicant is not entitled to the relief prayed for. However, if on completion of the investigation it is found that the appointment of the applicant was not irregular or vitiated the respondents shall consider resumption of his services. The OA is disposed of with the above direction leaving the parties to bear their own costs.


(K. Muthukumar)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)