

Central Administrative Tribunal  
Principal Bench, New Delhi.

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O.A. No. 1181/94

New Delhi, this the 16th December, 1994.

HON'BLE SHRI J.P.SHARMA, MEMBER (J)  
HON'BLE SHRI S.R.ADIGE, MEMBER (A)

Miss. Anila Devi S.  
D/o Mr. G.Lakshmanan Pillai  
D-311 A Survodaya Enclave,  
Adarsh Farm, New Delhi.

(By Shri Jawahar Lal, Advocate)

Applicant

Versus

Union of India through

1. Secretary to the Govt.,  
Ministry of Home Affairs,  
South Block, Central Sectt.  
New Delhi.
2. The Director,  
Central Bureau of Investigation,  
South Block Central Secretariat,  
New Delhi.
3. The Dy. Superintendent of Police,  
Anti Corruption Unit (I),  
Central Bureau of Investigation,  
8th floor, Block No. 3,  
CGO Complex, Lodhi Road,  
New Delhi - 3.

(By advocate Shri K.C.Sharma)

Respondents

JUDGEMENT

HON'BLE SHRI J.P.SHARMA, MEMBER (J)

The applicant was appointed purely on ad-hoc basis for a period of three months w.e.f. 14th January, 1993. After the expiry of three months period she was again given extension for three months but when this term was to expire on 13th July, 1993, she remained

absent from duty from 26th June, 1993 to 9th July, 1993 for about 15 days. Adjusting 12 days earned leave due to her and also giving her three days earned leave in excess, the period was condoned. There was a break in service, therefore she was given another appointment on 13th August, 1993 for a period of six months. Her services were terminated by order dated 14.1.1994. The applicant appears to have made representation on 23rd March, 1994 and after not getting satisfactory reply she filed this Application in June, 1994 and prayed for the grant of reliefs that her services be regularised with the respondents on the post of Stenographer and the respondents be directed to continue the engagement of the applicant on ad-hoc basis. During the course of arguments, the learned counsel appearing for the applicant gave his statement that he is not pressing the relief of regularisation in service but only pressing the relief for the continuance of the applicant in engagement with the respondent on ad-hoc basis.

2. That the respondents in their reply have stated that in the Central Bureau of Investigation (C.B.I.) at certain points of time, stenographers are required for urgent work and in order to meet this administrative exigencies, the names of the candidates are called for from the employment exchange on a clear term/understanding that the appointment was being made on purely ad-hoc basis to cater the urgent stenographic need in the absence of regularly selected S.S.C. candidates. The applicant was appointed with this full

knowledge which is fully exhibited in the appointment letter dated 15.1.1993 (Annexure A-2) where it is laid down that the services can be terminated at any time. The applicant was ofcourse given extension for three months but during this period she proceeded on leave and remained on leave upto 9th July, 1993. After the expiry of this period of extension and since there was a break in her service, she was given another appointment on 13th August, 1993 for a period of six months. In that also it was clearly notified that her services can be terminated at any time without giving any notice or assigning any reasons. The services of the applicant, therefore, were terminated on 14.1.1994 after the expiry of the extended period.

3. The applicant has no case of regularisation of her appointment and the application does not merit any consideration.

4. That the respondents have also filed the copy of the Central Bureau of Investigation ( Class-III Posts) Recruitment Rules, 1969. The respondents have also filed the copy of Central Bureau of Investigation ( Stenographer Grade-I) Recruitment Rules, 1991. The respondents have also filed the method of recruitment through Staff Selection Commission (SSC). It goes to show that the SSC conducts examination annually for recruitment to clerks/stenographer Grade-'D' annually for various Ministries, attached and sub-ordinate offices of Central Government. For this the requisition in prescribed form is placed on the Commission by the authorised departments. It is, therefore, contended that the appointment of stenographer is made only of the selected candidates sponsored by the Staff Selection Commission.

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5. The applicant has also filed rejoinder reiterating the facts as already stated in the application. In rejoinder it is stated that the respondents have appointed another Stenographer on the same terms & conditions on which the applicant was appointed. The respondents have given appointment letter for short periods and have adopted a 'hire and fire' policy.

6. We heard the learned counsel for both the parties at length and perused the record. During the course of the hearing the department representative placed before us office order dated 18th September, 1994 where Bhagwati Bisht has been appointed as a Clerk-Steno for a period from 13th October, 1994 to 12th January, 1995. This goes to show that the respondents have appointed a stenographer on ad-hoc basis who was neither selected nor sponsored by the Staff Selection Commission, ignoring the claim of the applicant. In the case of State of Haryana Vs. Piara Singh and others reported in Judgement Today 1992 Volume-V Page 79, The Hon'ble Supreme Court of India considered the matter of regularisation of ad-hoc employees. It has been observed firstly that resort to the ad-hoc appointment should not be made, if made, they should not be allowed to continue and such ad-hoc appointees be replaced by regularly selected candidates. It is also observed that one ad-hoc employee could not be replaced by another ad-hoc employee.

7. That the applicant has been specifically informed in her appointment letter that she is appointed only on a casual, temporary status for a specified period because of job requirement. The applicant, therefore,

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cannot claim any regularisation of her appointment to the post of Stenographer and rightly the learned counsel did not press this relief.

8. Regarding the continuance of the applicant on the post of Stenographer with the respondent's job, the contention of the learned counsel for the respondent is that seeing to the nature of the job of Central Bureau of Investigation where when there is a rush of work in the department and to cope with that work adhoc appointment is made only for a specified period. When the work is over, such ad-hoc appointees are discharged without touching any stigma particularly in view of the fact there there is no job requirement for them. In the case of the applicant, her services were discharged w.e.f. 14th January, 1994 after she completed extended period of six months from 13th August, 1993. The necessity of work have arisen only in October, 1994. The respondents cannot, therefore, maintain the list to call those who had at one point of time have worked with them and reappoint them on the post because the fresh appointment is only for a limited period on the basis of job requirement.

9. The contention of the learned counsel/respondents appears to be reasonable in as much as such ad-hoc appointees cannot wait for such a long time. This is not the case of casual labourers where the seniority list is maintained on the basis of the period for which they have worked earlier and when there is additional work of such casual nature, such earlier employees or casual labourers/workers are preferred than those who are available by sponsorship from the employment exchange.

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10. In the case of the applicant we find that there was certain break in service of the applicant and the respondents who had already the assessment of the applicant's performance as Stenographer may have preferred her than getting a fresh name sponsored through employment exchange. Since the fresh appointment has been made to other person in October, 1994 and the term of that appointee will expire in January, 1995 as the appointment is only for three months, appointment of such a person cannot be interfered with as he has not been impleaded as party to the present application. Otherwise, also the applicant has no claim of lien to the post of Stenographer. She has every right to come through the proper channel when S.S.C. conducts the examination to fill up the post of Stenographer Group -'C' on the basis of requisition sent by various Ministries or attached offices or department of Central Govt.

11. The applicant, therefore, does not make out a case for grant of relief both of regularisation as well as for continuing the applicant in her engagement as Stenographer on ad-hoc basis with the respondents. The application, therefore, is dismissed but at the same time it is observed that when the term of the appointee candidate expires in January, 1995 and if there is a job requirement of Stenographer 'C' then the applicant be also considered alongwith the persons already working and on the basis of performance of the applicant as well

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of others, the respondents will consider the case of the applicant, if necessity of ad-hoc appointment arises because of job requirement on the post of Stenographer Grade 'C'. Parties are directed to bear their own costs.

*Arjuna*  
(S.R.ADIGE)  
MEMBER (A)

*Deep*  
(J.P.SHARMA)  
MEMBER (J)

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