

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1452/2000

New Delhi, this 12th day of January, 2001

Hon'ble Shri V.K. Majotra, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Ms. Suman Sharma
EW-23/8, Single Officers Accomn.
Indian Military Academy
Dehradun-248 004

.. Applicant

(By Shri D.R.Gupta, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Defence
New Delhi
2. Director MT-7
Army Hqrs., New Delhi
3. Commandant
Army Cadet College Wing
Indian Military Academy, Dehradun
4. Ms. Sundel Tasvir
c/o ACC wing, INA
Indian Military Academy
Dehradun

.. Respondents

(By Shri S.P. Gupta, Advocate)

ORDER (oral)

By Shri V.K.Majotra

The applicant is aggrieved by the respondents' decision whereby her services as Lecturer in Indian Military Academy are allegedly being replaced by appointment of another ad-hoc Lecturer in English namely Ms. Sundel Tasvir (Respondent 4). According to the applicant, she was appointed as ad-hoc Lecturer on 5.9.98 and has served till 15.6.2000 without break. Relying upon the ratios in the matters of State of Haryana Vs. Piara Singh (1992) 21 ATC 403 and Amarendra Sudharkar Ghaval Vs. UOI in Writ Petition No.2994/97, it has been contended that an ad-hoc or temporary employee should not be replaced by another ad-hoc or temporary employee; he could be replaced only by a regularly selected employee.

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2. In the counter, respondents have stated that the applicant had been appointed purely on contractual terms twice over and on the expiry of these contracts her services were terminable. Although R-4 (Ms. Sundel Tasvir) has been selected for appointment as Lecturer, ~~she~~ ^{he} ~~has~~ ^{not} been offered appointment, now ^{that} there is no requirement for appointment of a Lecturer to teach the English subject as the respondents have resorted to engage the services of a qualified Service Officer for teaching the subject. In this manner the applicant has not been replaced by any other ad-hoc Lecturer. According to the respondents, the cases cited by the applicant are not applicable to the facts of the present case.

3. We have heard the learned counsel ^{of} both sides and perused the records. Reiterating the points made in the OA, learned counsel of the applicant stated that in case the respondents have decided not to engage any ad-hoc Lecturer to teach English at present, applicant's interest in future should be protected. Learned counsel of the respondents stated that the respondents do not have any plan to resort to appointment of any ad-hoc/regular Lecturer to teach the subject of English at present. They are planning to continue with the present arrangement of Service Officer teaching the subject of English.



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4. In our view, the ratios of the cases cited by the learned counsel of the applicant are applicable to the facts and circumstances of the present case. Respondents cannot be allowed to replace the services of the applicant by other ad-hoc appointee. They can replace her services only by a regularly selected Lecturer. However, respondents' decision to engage Service Officer to teach the subject of English at present cannot be faulted with. But, in future, when occasion arises and the respondents decide to engage ad-hoc Lecturer to teach the subject of English, applicant would be entitled for consideration for appointment as ad-hoc/temporary Lecturer in English in preference to outsider/fresher. Applicant can periodically post the respondents of her latest address. The OA is disposed of as aforesaid. No costs.

S. Raju
(Shanker Raju)
Member(J)

/gtv/

V.K. Majotra
(V.K. Majotra)
Member(A)