

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.A.No.2526/89

New Delhi, this the 9th day of August, 1994.

HON'BLE MR.JUSTICE D.L.MEHTA VICE CHAIRMAN (J)
HON'BLE MR.B.K.SINGH MEMBER (A)

Smt.Kiran Kohli
wife of late Shri Virender Kumar Kohli,
8083, Roshanara Road, Delhi.

(By Shri B.B.Raval, Advocate)

..Applicant.

Vs.

1. The Union of India
through the Secretary,
Ministry of Surface Transport,
Transport Bhawan, New Delhi.

2. The Chief Engineer-cum-
Administrator,
Inland Water Transport Dte.,
Transport Bhavan, New Delhi.

..Respondents.

(P.P.KHURANA, Advocate)

ORDER (ORAL)


HON'BLE MR.JUSTICE D.L.MEHTA VICE CHAIRMAN (J)

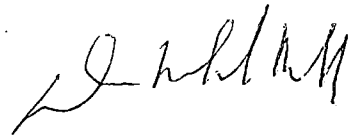
None present on behalf of the parties.

The applicant's husband expired on 25-10-84 in harness and as a result of which the applicant was appointed on the post of L.D.C. on compassionate grounds vide orders dated 29-5-86. On perusal of An.A1 it is clear that the appointment on compassionate ground was purely temporary on ad hoc basis under Plan Project and the appointee was appointed initially for a probation period of two years. There were some other conditions referred to in An.A1.

2. Applicant's services were transferred to the ^{Inland} ~~Inland Water Transport Directorate~~ as the department was abolished and the autonomous body was created under a statute. She was asked to give an option whether she would like to continue in the department or she would like to be permanently absorbed in the autonomous body so created. She opted for the government service. There was no post of the

L.D.C on account of abolition of the said department and creation of the autonomous body. Her case was referred to the Deptt. of Personnel & Training (DOPT). The DOPT considered her case and declined to refer her case to the Surplus Cell on the ground that she is an ad hoc employee and she has not completed 5 years of service. However, a considerate view was taken (An.A9 dated 11-12-1989) an order was passed and directions were given that she cannot be absorbed and her case would be considered by Surplus Cell but this was not agreed to by the Surplus Cell. She was given an opportunity to go to I.W.A.I and opt for absorption therein upto 31-12-89 otherwise her services would be terminated with effect from 1-1-1990. There are rules for absorption and ad hoc employee cannot claim as of right that her case should be referred to Surplus Cell. She has not completed even 5 years of service and she was given an opportunity to continue in service in I.W.A.I. This lenient view was taken considering that her appointment was on compassionate ground. We do not find any force and there is nothing wrong in the order dated 11-12-89 (An.A9). The applicant is not entitled for any other benefit. The O.A. is rejected. No costs.


(B.K.SINGH)
Member (A)
mp


(D.L.MEHTA)
Vice Chairman (J)