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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

1. O.A. NO. 1853/88 & DECIDED ON : 14.9.1993
C.C.P. NO. 199/93

PAL SINGH ... PETITIONER

VS.

UNION OF INDIA & ANR. ... RESPONDENTS

2. O.A. NO. 2239/88 &
C.C.P. NO. 287/93

KM. CHARANJIT KAUR ... PETITIONER

VS.

UNION OF INDIA & ANR. ... RESPONDENTS

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Shri Dinesh Goyal, Counsel for Petitioner in
OA 1853/88 & CCP 199/93

Shri K. L. Mahendru, Counsel for Petitioner in
OA 2239/93 & CCP 287/93

Shri P. P. Khurana, Counsel for Respondents

J U D G M E N T (ORAL)

(By Hon'ble Mr. Justice V. S. Malimath)

The petitioners in these two cases have approached this Tribunal for a direction for regularisation of their services as LDC/Typists. The petitioner in OA 1853/88 came to be appointed on ad-hoc basis on 18.12.1985. According to him, the short term ad-hoc appointment was extended from time to time with technical breaks. The last appointment order of the petitioner is Annexure-J dated 11.1.1988 which shows that the appointment on ad-hoc basis is for a period of one month from 4.1.1988 pending nomination of

suitable candidates by the Staff Selection Commission.

No further order of continuance of the petitioner has been placed by the petitioner in support of his case. He has, however, stated that he has continued in service. Apart from the vague and general assertion there is hardly any material from which an inference can be drawn about continuance of the ad-hoc appointment in a formal manner.

2. In OA 2239/88, the petitioner came to be appointed on ad-hoc basis w.e.f. 15.9.1987 for 89 days making it clear that it would not confer any right on her for regular appointment and that her services could be terminated at any time without assigning any reason. The appointment was further continued by the order made on 3.12.1987 for a period of one month or till the candidates sponsored for appointments were made available on regular basis through the Staff Selection Commission, whichever was earlier. There is no further order regarding further continuance of the petitioner on ad-hoc basis.

3. Both the petitioners approached the Tribunal and obtained an interim direction for maintaining status quo and for a direction not to terminate their services pending disposal of these cases. It is their case that the said interim orders were respected for some time and they were continued for a couple of years and thereafter their services have been terminated. This has resulted in contempt of court cases being filed, namely, CCP 199/93 and CCP 287/93.

4. From the materials placed by the petitioners before us it is clear that the ad-hoc appointments were made pending availability of regularly selected candidates by the Staff Selection Commission. Regular

appointments could be made only by selection through the Staff Selection Commission. As candidates selected according to the rules were not available, ad-hoc arrangement came to be made. The orders of ad-hoc appointments make it clear that their appointments have been made pending availability of candidates selected by the Staff Selection Commission.

The continuance of the petitioners after the filing of these applications is not relevant so far as the relief in the main applications is concerned. As the appointments themselves were made as a stop-gap-arrangement and not in accordance with the rules, the petitioners are not entitled to claim regularisation of their services. What is important to note is that the regularly selected candidates by the Staff Selection Commission having become available, they have been posted which resulted obviously in displacement of the petitioners. In these circumstances, there is no case made out for regularisation of the services of the petitioners which would necessarily be at the cost of the persons who are regularly selected in accordance with the rules. There is, therefore, no good ground to interfere in both these cases so far as the merits are concerned.

5. So far as the violation of the interim directions is concerned, the stand taken by the respondents is that their services came to be terminated on the candidates becoming available duly selected by the Staff Selection Commission. The petitioner in the first case did offer himself as a candidate for regular recruitment but failed to get selected.

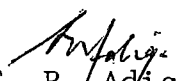
Petitioner No.2 did not offer herself as a candidate

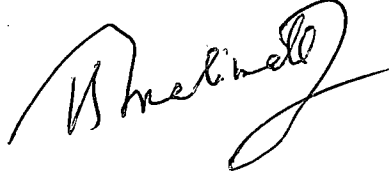
and we are informed that the reason ~~involved there~~ was

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that she was not keeping well. Whatever that may be, there is no justification for their being continued at the cost of regularly selected candidates by the Staff Selection Commission. Learned counsel for the respondents cited the case of Usha Rani vs. Union of India (OA No. 1372/88 decided on 8.2.1991). The said judgment makes it clear that the engagement of the ad-hoc employees shall continue till regularly selected candidates sponsored by the Staff Selection Commission are appointed to the posts subject to the principle of last-come-first-go. The body of the judgment makes it clear that there were seven ad-hoc employees including the two petitioners before us. It was explained to us that in view of the judgment rendered in OA 1372/88, to accommodate the regularly selected candidates by the Staff Selection Commission, the respondents displaced the petitioners from service. Thus, it is clear that it is a bonafide conduct as they felt that they are entitled to do so having regard to the directions of the Tribunal in Usha Rani's case.

6. In these circumstances, we will not be justified in taking punitive action under the Contempt of Courts Act for terminating the services of the petitioners, particularly when we have come to the conclusion that on merits they have no case whatsoever. Hence, both the original applications as also the CCPs are hereby dismissed. No orders as to costs.


(S. R. Adige)
Member (A)


(V. S. Malimath)
Chairman

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