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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No. 396 of 1988

Date of Decision: 6.7.93.

Km. Veena Sahni & others Petitioners.

Versus

Union of India & others Respondents.

Present: Shri Ashish Kali, counsel for Shri R.L. Sethi, counsel for petitioners.

None for respondents.

CORAM:

Hon'ble Mr. Justice V.S. Malimath, Chairman.

Hon'ble Mr. S.R. Adige, Member (A).

JUDGMENT (ORAL)

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

The petitioners in this case were appointed as Daily Rated Secretarial Assistants in the Ministry of Environment & Forests between 1.11.86 to 1.8.87. They have prayed for a direction to regularise their services and for other incidental and consequential benefits.

2.. The stand taken by the respondents, is that as per the rules governing recruitment to this post under the Central Secretariat, they are required to be filled up on regular basis only through Staff Selection Commission and Union Public Service Commission. They have further averred that these petitioners were appointed on daily wage basis, subject to the condition that their services are liable to be terminated without any notice and on appointment of regular Lower Division Clerks and Stenographers through the Staff Selection Commission. It is, therefore, clear that it is only a stop-gap-arrangement made having regard to exigency of service pending filling up of the vacancies. In this situation, it is not possible to say that the petitioners ~~xx~~ have acquired any right for regularisation of their

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service. It is obvious that as long as their services are needed, the department would not be justified in terminating the services of these daily rated staff for the purpose of appointing another set of daily rated staff. As long as there is need, in the absence of regularly selected staff, the department shall not terminate the services of the petitioners. They are, however, at liberty to do so if there is no work. If their services are required to be terminated, in such a situation, the normal principle of 'last come-first go' must be followed. Subject to these directions, this application stands disposed of. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN.

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