

IN THE GENERAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH (6)

O.A. No. 486/88

DATE OF DECISION 3.8.93

Sh. M.K.Verma & Ors. ... Petitioners

V/s

U.O.I. & Ors through ... Respondents
Secretary, Ministry of ...
Information & Broadcasting.

FOR THE APPLICANT ... Sh.B.R. Sharma, counsel
FOR THE RESPONDENTS ... Sh.N.S. Mehta, counsel

CORAM

Hon'ble Sh. I.K.Rasgotra, Member(A)
Hon'ble Sh. B.S. Hegde, Member(J)

JUDGEMENT (ORAL)

(delivered by Sh.I.K.Rasgotra, M(A))

Heard. The case of the petitioners (Sh.Mahesh Kumar and Sh.Rajesh Kumar) is that they were appointed in June, 1984 as Lower Division Clerks(LDC) on adhoc basis for a period of six months. Their adhoc service was continued by granting extension from time to time, till 25.2.1988. In the meantime the respondents vide letter dated 13.1.87(Annexure A-4) directed the petitioners to appear in the Special Qualifying Examination to be conducted by the Staff Selection Commission. They were further advised that if they fail to comply with the above direction their services are liable

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to be terminated in accordance with instructions of the Department of Personnel and Training letter dated 30.9.1986. The petitioners appeared in the said examination, but they failed to qualify. Consequently, the respondents terminated the services of the petitioners. They have filed this Original Application on 18.3.88 under Section 19 of the Administrative Tribunals Act, 1985. On 4.4.1988 an interim order was passed by the Tribunal to the following effect:-

"That the services of the petitioners should not be terminated until further order or till regular appointee joined the post, whichever is earlier.

The said order was modified on 6.4.1988 to say that the services of the applicants should not be terminated until further orders. The petitioners have prayed that the respondents be directed to give additional chance to qualifying the examination to be conducted by the Staff Selection Commission as was given to similarly situated persons. Sh. B.R.Sharma, learned counsel for the petitioners submits that he has tried to contact the petitioners to obtain the latest information in regard to their status but has failed to receive any brief in this behalf.

The respondents admit, that the petitioners were appointed as L.D.C. on adhoc basis for a period of six months. They confirm

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that the petitioner had appeared in the Special Qualifying examination held by the Staff Selection Commission in March, 1987 in accordance with the direction of Deptt. of Personnel and Administrative Reforms but they failed to qualify in the said examination. They also refute the contention of the petitioners that Sh.G.K.Bhatia, alleged to be similarly situated, was given any additional chance for qualifying the Staff Selection Commission examination.

Sh.N.S.Mehta, Senior Standing Counsel who appeared on behalf of the respondents submitted that since the petitioners failed to qualify in the examination, they have no right to continue in the said post of L.D.C. They were working in the post of L.D.C. on adhoc basis only till qualified candidate recommended by Staff Selection Commission are available.

In the facts and circumstances of the case, we are of the opinion that petitioners should be allowed to continue to work as adhoc L.D.C. only as long as qualified candidates recommended by the Staff Selection Commission are not available. If they have qualified in the Staff Selection Commission

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themselves in the meantime they should be given first preference. Ordered accordingly. We further order and direct the respondents that the petitioners shall not be replaced by adhoc appointees. O.A. is disposed of as per above directions. No costs.

B.S. Hegde
(B.S. HEGDE)
MEMBER(J)

I.K.Rasgotra
(I.K.RASGOTRA)
MEMBER(A)

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