

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. N . 514/88

Date of hearing : 16.8.1993

Shri Arun Kumar

... Applicant

vs.

Union of India

... Respondent

Counsel for the petitioner

... Shri Raj Rishi

Counsel for the respondents

... Shri P.P. Khurana

COARM : The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. B.S. Hedge, Member (J)

(To be referred to the Reporter or not?)

JUDGMENT (ORAL)

We have heard the learned counsel Shri Raj Rishi of the petitioner and Shri P.P. Khurana, learned counsel of the respondents. The case of the petitioner is that he was appointed as Junior Stenographer Grade 'D' with effect from 8.5.1986 in the office of the Respondents. His services were terminated with effect from 15.7.1987. He contends that the termination of the applicant is arbitrary, malafide, illegal and unjustified. He had initially approached the Assistant Labour Commissioner when his petition was dismissed by the Assistant Labour Commissioner Court for want of jurisdiction. The stand of the respondents is that the petitioner was appointed in terms of the offer of Appointment made to him vide letter dated 5.5.1986. The relevant paragraph of the said letter are re-produced below:

"The ad hoc appointment on the post of Stenographer Grade 'D' will not bestow on him a claim for regular appointment and that the ad hoc service rendered would not count for the purpose of seniority in the grade of stenographer, eligibility for promotion, confirmation etc.

The Ad hoc appointment can be terminated at any time without assigning any notice.

The present period of ad hoc appointment is for 44 days from the date of joining or till a regular candidate joins the post whichever is earlier!

The identical conditions were also included in the order dated 19.5.1986 appointing the petitioner. The ld. counsel of the respondents Shri P.P. Khurana contends that the termination was ordered in terms of the conditions prescribed in the offer as well as Letter of Appointment and the petitioner cannot make any grievance about it. Shri Raj Rishi, learned counsel for the petitioner contends that after the service of the petitioner was terminated, the respondents have employed some other persons who too have not come from the Staff Selection Commission. He, therefore, contends that the Services of the petitioner should not have been terminated until and unless a candidate recommended by the Staff Selection Commission comes to joins the services. It was also contended that the petitioner could have been replaced only by the Staff Selection Commission candidate and not by another ad hoc employee. These points, however, do not form part of the pleadings in the Original Application.

We have considered the submission of both the parties and perused the record. We are of the opinion that the petitioner's service was terminated in accordance with the terms of his appointment. Respondents ordinarily would not have replaced him by another ad hoc employee. Further ~~there are~~ the names of the persons who have been employed on ad hoc basis after the termination of service of the petitioner have not been furnished by the petitioner.

Be that as it may, keeping in view the facts and circumstances of the case while we are not inclined to interfere in the matter, the respondents will do well to

2

consider the case of the petitioner for re-engagement on
ad hoc basis in ^{the} preference to any other candidate who has ^{not}
not come from SSC, ^{if} they have any vacancy. The O.A. is
disposed of as above. There shall be no order as to costs.

B. S. Hedge
(B. S. HEDGE)
Member (J)

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

Mittal