

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
...

DATE OF DECISION

29/7/92

1) O.A. No.143/86

Shri Jai Singh Rawat

.. Applicant

Vs.

U.O.I. & Others

.. Respondents

2) O.A.185/86

Mrs. Vasantha Kumari

.. Applicant

Vs.

U..O.I. - M/OI& B

.. Respondents

For the applicants

.. Shri Anil Suhra Baidy

For the respondents

.. Shri A.K. Behra

CORAM:

Hon'ble Justice Mr. Ram Pal Singh, Vice Chairman(J)

Hon'ble Shri I.P. Gupta, Member(A)

1. Whether reporters of local papers may be allowed to see the judgement?
2. To be referred to the reporter or not?

JUDGEMENT

(Delivered by Hon'ble Shri I.P. Gupta, Member)(A)

By this common order, the two O.As (143/86 and 185/86) are being considered together.

2. The applicants in the aforesaid O.As were appointed as Clerk Grade-II between 1981 to 1984^{on ad hoc basis}. Their services were terminated during 1986. However, by interim order issued by the Bench, they have continued in service. Thus, the applicants have been serving for about 8 to 10 years.

3. The learned counsel for the applicants contended that they were duly appointed on their names having been sponsored by the Employment Exchange and after due tests, and, therefore, they should be regularised.

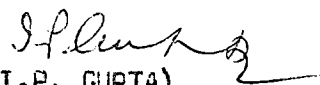
4. The learned counsel for the respondents contended that the regular recruitment to the post of Clerk Grade-II is made on the recommendations of the Staff Selection Commission and the applicants did not compete through the examination conducted by the Staff Selection Commission. He added that the applicants were even given one or two special chances

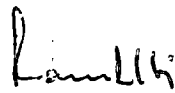
to qualify in special qualifying examination conducted for ad hoc employees. But, they could not qualify. Therefore, the termination of their services had to be resorted to.

5. On analysing the above facts, we find that the termination does not appear to have resulted from their replacements by regular employees who were recommended by the Staff Selection Commission. The termination orders do not specify that since the regularly recommended candidates had to be accommodated, the applicants were to yield place for them. The applicants have served for long years and it would be in consonance with the policy enunciated in the case of Jethanand & others Vs. U.O.I & Others (1989(2) ATJ 364) that the applicants before their services are terminated are given yet another opportunity to qualify in the examination conducted by the Staff Selection Commission by waiving off the age limit for purposes of eligibility to the extent of the continuous ad hoc service they have rendered.

6. The interim order passed earlier will merge into this order.

7. With the above directions and orders, the D.As are disposed of with no order as to costs.


(I.P. GUPTA)
MEMBER(A)


(RAM PAL SINGH)
VICE CHAIRMAN (J)