

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 286/86

New Delhi this the 21st day of August 1995

Hon'ble Shri N.V.Krishnan, Vice-Chairman(A)
Hon'ble Smt Lakshmi Swaminathan, Member(J)

Smt. Raj Rani Malik
W/o Sh. Munish Kumar Malik
R/o B-44/T-II, Dilshad Garden,
Delhi-32.

...Applicant

(By Advocate-None)

Versus

Union of India, through,

The Secretary,
Ministry of Food and
Civil Supply, Department of Food
Krishi Bhawan,
New Delhi.

.....Respondent

ORDER (Oral)

Hon'ble Shri N.V.Krishnan, Vice-Chairman(A)

The applicant a LDC, is aggrieved by the order letter dated 21-4-1986/(Page 21 of the paper book) by which the services of three adhoc LDCs, including the applicant have been terminated.

2. The brief facts are as follows:-

2.1) Rule-12 of the Central Secretariate Clerical Services Rules 1962 makes provisions for recruitment to the grade of LDC of the service. 10% of the vacancies are reserved for promotion of Group 'D' employees. The remaining 90% is to be filled by direct recruitment on the result of a competitive examination held by the Staff Selection Commission.

2.2) Pending such selection, the Departments were advised that they could make adhoc appointments to the direct recruitment vacancies through the Employment Exchange. It was to be made clear that the appointments would be terminated without notice when the persons selected by the Commission join duty.

2.3) The applicant is one such adhoc appointee as is evident from the order dated 11-1-1977 (page II). She and others were appointed purely on a temporary and adhoc basis, with the condition that it could be terminated without notice or without any reasons and that this will not confer any title on them for regular appointment.

2.4) As such employees were continuing for a long time, it was decided that they should also be given an opportunity for regularisation. It was decided to hold qualifying examination for this purpose. These began in 1982. Three opportunities were given.

2.5) It is seen from the reply of the respondents that the applicant did not qualify in any of the three qualifying examination. Hence her service was terminated in accordance with the Memorandum dated 4.6.85 (Annexure R-2) issued in connection with the final examination held in 1985. In the circumstance the respondents contend that the applicant can have no valid grievance.

3) We have perused the records. The only ground raised by the applicant is that she has been in employment since 1977 and that she has passed a departmental test.

4) Both these grounds have no force. It is precisely for these reasons that the adhoc appointees were given a chance to be regularized. Three chances were given to the applicant to pass the Special Qualifying Examination. She failed. Hence she cannot claim that she should nevertheless be allowed to continue. Further passing a departmental examination is not a substitute to passing the Special Qualifying Examination. We, therefore, do not find any merit in the O.A. Accordingly it is dismissed.

5) On 30-4-1986 when the OA was admitted an interim direction was given that the impugned order dated 21-4-86 terminating the applicant's services should be stayed pending further orders on 12-5-86 on that day it was directed that the stay would continue till the disposal of the petition. As the OA was earlier dismissed in default on 30.7.92. the interim order should have lapsed automatically. The restoration of the OA does not revive the interim order. Hence we do not find it necessary to vacate a non-existent order. With this observation, the OA is dismissed.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

21/8/87
(N.V.Krishnan)
Vice-Chairman (A)