

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 303/86
T.A. No.

198

DATE OF DECISION

29-7-1991

Shri Amarjeet Kaur _____ Applicant (s)

Mrs. Avnish Ahlawat _____ Advocate for the Applicant (s)

Versus

Union of India _____ Respondent (s)

Shri M.L. Verma _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. J.S. U.C. Srivastava Vice Chairman

The Hon'ble Mr. I.P. Gupta, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

(of the Bench delivered by
J.S. U.C. Srivastava
Hon'ble Shri J.S. U.C. Srivastava

This application has been made under Sec.21 of the Administrative Tribunal Act against the termination order issued on the applicant who has put in about 9 years of service as L.D.C. with the Ministry of Agriculture & Irrigation, Department of Food w.e.f. 18.01.1977 as adhoc employee in the pay scale of Rs.260-6-290-EB-6-326-8-366-EB-8-390-10-400 (pre-revised) after being sponsored by the Employment Exchange.

The name of the applicant was sponsored by the Employment Exchange and after completion

of all formalities, she was appointed temporarily as L.D.C. on 18.01.1977. She became L.D.C. by qualifying in Typing Test and also came out successful in the Interview. Apparently she was allotted with General Provident Fund number and compulsory deductions towards G.P.F. were also made regularly. Her services were terminated and therefore she approached the Tribunal and Tribunal granted her Interim Relief against the termination of service of the applicant w.e.f. 30.04.1986.

The ~~applicant~~^{respondents} in their written reply have stated that the applicant was an adhoc employee and her appointment was made pending availability of regular candidates from the Clerks Grade Examination.

In the year 1972, Department of Personnel and Training decided as one time exercise to hold a Special Qualifying Examination limited to adhoc employees on the passing of which, they would be included in the Central Secretariat Clerical Service. A substantial number of adhoc employees failed to pass in the qualifying examination. The applicant also did not qualify. Another opportunity was also given for Examination in 1983 to adhoc employees but she either failed or did not appear.

Subsequently another examination was held on 28.07.1985 and the applicant failed to qualify in this examination also.

The applicant applied for all three special qualifying examinations and that is why her services were terminated. The applicant was given considerable chances to qualify but she failed.

As she had worked for 9 years on adhoc basis we direct the respondents to give one more opportunity to the applicant to appear in the qualifying examination and if she qualifies in the same, she should be regularised in her service with consequential benefits for past services.

There shall be no order as to costs.

I.P. Gupta
(I.P. GUPTA)

MEMBER

U.C. Srivastav
(U.C. SRIVASTAV)
VICE CHAIRMAN