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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1187
~~F.A.No.~~

1986

DATE OF DECISION 13.7.87

Shri R.N. Sharma Petitioner

Applicant in person Advocate for the Petitioner(s)

Versus

Union of India Respondent

Shri N.S. Mehta Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S. P. MUKERJI, ADMINISTRATIVE MEMBER

The Hon'ble Mr. M. B. MUJUMDAR, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*

M. B. Mujumdar
(M. B. MUJUMDAR)

S. P. Mukerji
(S. P. MUKERJI)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1187/86

Date of Decision : 13.7.87

Shri ^{P. S. M.} R. N. Sharma

. . . Applicant

Vs.

Union of India

. . . Respondent

For Applicant

. . . Applicant in person

For Respondents

. . . Shri N. S. Mehta, counsel
for respondents.

CORAM :

The Hon'ble Mr. S. P. Mukerji, Administrative Member

The Hon'ble Mr. M. B. Mujumdar, Judicial Member

(Order pronounced in the open Court by
Hon'ble Mr. M. B. Mujumdar, Judicial Member)

ORDER :

The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 challenging the order passed by the respondents on 4.11.1986.

2. The applicant, by an order dated 18.2.1983, was appointed as a Junior Economic Investigator in the Group 'C' post on purely ad-hoc basis, on the terms and conditions mentioned in the order. The first condition is important in this case and it says that the appointment of the applicant was purely ^{of} on ad-hoc nature and it was for three months in the first instance but was likely to continue thereafter. It is further mentioned

in the same condition that the applicant would be governed by the Central Civil Services (Temporary Service) Rules, 1949 (it will have to be read as 1965) as amended from time to time. The applicant was not given any break till 1985 but in 1985 and 1986 he was given ^{occasionally} some technical breaks of one day or so. By an order dated 4.11.1986 the applicant was again appointed to the same post of Junior Economic Investigator purely on ad-hoc basis for a period of 60 days from 2.11.1986; i.e., up to 31.12.1986 ^{to the} subject/approval of Staff Selection Commission till the qualified candidates from Staff Selection Commission is recruited to the post on regular basis. It is further mentioned that the appointment can be terminated at any time without assigning any reason therefor. No subsequent order was passed appointing the applicant to the same post.

3. On 18.12.1986 the applicant ~~was~~ filed this application challenging the above order dated 4.11.1986, as by that order his appointment was upto 31.12.1986 only. While admitting the application on 29.12.1986, this Tribunal had directed the respondents not to terminate the services of the applicant till further orders. That interim order is in force even to-day and the applicant is still in service.

4. It is obvious from the initial order of appointment itself dated 18.2.1983, that the applicant was to be governed by the Central Civil Services (Temporary Service) Rules, 1985. It is equally obvious

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that the impugned order is not passed under these Rules. It was undisputed that the applicant was not given any break up to 1985 though thereafter he was given some technical breaks. His appointment and subsequent continuance will be governed by the terms and conditions mentioned in the order of appointment dated 18.12.1983. It is, therefore, clear that the respondents cannot legally terminate the service of the applicant except with recourse to any of the provisions of the Central Civil Services (Temporary Service) Rules, 1965. We, therefore, feel that the applicant shall have to be allowed and hence we pass the following order :-

The impugned order dated 4.11.1986 passed by the respondents so far as it states that the appointment ^{was upto} 31.12.1986 is hereby quashed and set ^{Applicant} aside. / should be treated to be in continuous service from 25.2.1983. The respondents should not terminate the services of the applicant except in accordance with the provisions of the Central Civil Services (Temporary Service) Rules, 1965. There will be no order as to costs.

(M. B. MUJUMDAR)
JUDICIAL MEMBER

Sill / 13.7.87
(S. P. MUKERJI)
ADMINISTRATIVE MEMBER

The name of the applicant has been corrected as Shri P.N. Sharma on page 1 and letter dated 18.12.83 corrected on 18.2.1983 by us today with our order of today on MP 960/87.

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21/8 21.8.87