IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH, NEW DELHI.

Reg. Nos. (1) OA 1068/86 with Date of decision: 24.07.1992 CCP 13/87

- (2) OA 1166/86 with CCP 12/87
- OCP 13/87

Shri Sohan Lal

---Applicant

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(2) OA 1166/86 with CCP 12/87

Shri Bhoja Ram

Versus

Union of India through the Secretary, Ministry of Home Affairs • • Respondents

For the Applicants

Shri R.L. Sethi,

For the Respondents

...Mrs. Raj Kumari Chopra, Counsel

CORAM:

THE HON BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed
to see the Judgment? Yes

2. To be referred to the Reporters or not? you

JUDGME NI

(of the Bench delivered by Hon'ble Shri P.K. Kartha, Vice Chairman(J))

The applicants in these two applications have worked as Lower Division Clerks on ad hoc basis in the office of the respondents for about six years from 1980 to 1986 and thereafter they have continued as such by virtue of the interim orders passed by the Tribunal for another six years. They are still continuing in service by virtue of the interim orders passed by the Tribunal.

2. As common questions of law have been raised in these applications, it is proposed to deal with them in a

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steel as leb give and The facts of the case are not disputed. applicants have worked as Lower Division Clerks on and to make the purely temporary and ad hoc basis. Their appointment stars silican and had been extended from time to time till their services colors but were finally terminated by the impugned order dated ed va heres 27. Pl. 1986. The impugned order has been passed by invoking the provisions of Rule 5 of the CCS(Temporary

as being a service "Rules, 1965 in and hand

adt yd berosmoganem we have gone through the records of the case and baneal anguistico have heard the learned counsel of both parties. ersw estemptode of the applicants is that thaving worked for such a long million or and verifier indicatermination of their services by invoking oals staw year at Rule 5 of the GSS (Temporary Service) Rules, 1965, is not torsainable. The said rules would not apply to REW 32 - RESISTHEMERS The respondents were under an obligation to bloom enlyres to an odeclare them quasi permanent; in which event the said more actional accordings would not apply to other; They have also relied upon a catena of judicial promouncements, according to

mammayor lerwhich; by wirtue of long officiation in a post, a person notativic rewall to restification regularisation in the post of LDC. The Clerks is mure on the basis of the exemplations held by

onditurner and of the case law relied upon by the learned counsel for the applicants:-The respondents have stated SC); and (2) 1992(19)ATC in their scuber-airides it that the oppicants oppeared ent the special qualifying election conducted pa the



As against the above, the contention of the respondents is that the appointment of the applicants was purely by way of stop-gap arrangement and pending the pointment of the ining of a regular incumbent sponsored by the grandent of Staff Selection Commission.

Admittedly, the applicants were appointed as

The mess sponsored by the

and off accident Employment Exchange, The letters of appointment issued

prof a condition Employment Exchange, The letters of appointment issued

prof a condition bato the applicants indicated that the appointments were

antisount of accident for absorption in regular restablishment. They were also

of vides for a condition of rewarded that the in appointment could be terminated

of notispiles at any times without any show cause notice. It was

ples and that a further is tipulated that other conditions of service would

believe as a successful are the Covernment rules and orders in force from

of only one a success per the Covernment rules and orders in force from

of only one a success and the continue of the conti

one set a stand and offices/departments regular appointment of Lower Division

Clerks is made on the basis of the examinations held by

in the special qualifying examination conducted by the

Staff Selection Commission but did not qualify the said

examination. Accordingly, it has been argued that the end you old that the end you old that the end you be to be t

applicants have no legal right to continue in the post.

The learned counsel for the respondents also submitted

that the period of service rendered by the applicants of an maximalib a ride make oblique and so amount

during the subsistence of the stay order passed by the

Tribunal should not gize be taken into account for the

purpose of regularisation of the applicants. The learned

counsel for the respondents also relied upon the judgmer*

of this Tribunal dated 5.3.1992 in TA 226/86 (Suit No.

955/84 - Brij Bala Chopra Vs. U.O.I. & Another), in which deisegs and which states stages and asset of the states of the

the Tribunal did not give any relief to an applicant

who was similarly situated.

stanie be appelatived as Lowel bivision, Glerks on a regular

24, 37, 19 EZ

8. We have given careful consideration to the savid arous and soliteration to the

aforesaid contentions. The respondents have not adversely

commented upon the work and conduct of the applicants.

In our opinion, the applicants are not entitled to

automatic regularisation in the post of LDCs as the said

post is filled on regular basis by successful candidates in the read last to learning because of

at the examination held by the Staff Selection Commission.

For the departmental candidates who have been continuing

on ad hoc basis, the Staff Selection Commission has in the

before us had appeared in a special qualifying examination

past conducted special test. In fact, the applicants

conducted by the Staff Selection Commission but they could

not qualify the said examinations In our opinion, having

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ble . , and you has provided by a round works a few mandes less they a

regard to the long period of ad hoc service put in by the appealments have an impeditional as arms for the point

applicants, the applicants should be given at least two

ner large nits with brokers one was larged basines of more chances to appear in such special tests. We, therefore,

ornoothic income the solution of the solution solutions and the state dispose of the application with a direction to the

and you present the entropy side of the stary of the present by that respondents to arrange the holding of special tests for the

were the recommendation of the second comments the comment of the applicants and persons similarly situated, if any, through the

purpose of tequientiastic of the grillicentar

Staff Selection Commission, as a special case. They shall

se amphut and theory for lex only appearance and api lessures do: so as expeditiously as possible, but preferably within

of this Tribunal assects, Sales in Indian lauding slid to a period of three months from the date of communication

dodine de l'accidente d'alle d'accident place de la passone of this order. In case the applicants qualify the special

tractions is of relies yes only for the levelet out

test to be conducted by the Staff Selection Commission, they

one cuite cinistinte ren fun should be appointed as Lower Division Clerks on a regular

the past frame, updated laterapies in an the basis. The application is disposed of on the above lines.

Area and area saranaged out Latinalingulinar blastaling There will be no order as to costs.

commented area the work such a court of the applicants.

Let a copy of this order be placed in both the case

not had divine that are established with entirings two si files.

also wit as edil to read art at males training part at area CCP 13/87 and CCP 12/87

The learned counsel for the petitioner did not

residence religious trata and ye wind and deciment out in press these CCPs. Accordingly, the CCPs are dismissed

and the notice of contempt is discharged.

on ad has bosic, "no staff Selection Conincion "sa in the

of the conducted agential that agent by the agent by the conduction of the conductio

(P.K. KARTHA)

MEMER (A)

2417), VICECHAIRMAN (J)
2407.1992

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RKS

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