

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

D.A. No. 1133/90

New Delhi, dated the 31st Aug., 1994

CORAM

Hon'ble Shri S.R. Adige, Member(Administration)

Hon'ble Gmt. Lakshmi Swaminathan, Member(Judicial)

Dr. Madhusudan Nilkanthrao Rangne,
Research Assistant(Ayurveda)
APC Cell Ministry of Health & Family Welfare,
New Delhi

... Applicant

(None for the applicant)

v/s

1. Union of India, through the Secy.,
to the Govt. Ministry of Health and
Family Welfare, Nirman Bhawan, New Delhi

2. Under Secretary to the Govt. (APC Cell)
Ministry of Health & Family Welfare,
(Dept. of Health) Nirman Bhawan, N/Delhi

... Respondents

(By Advocate Shri N.S. Mehta)

JUDGMENT (ORAL)

1. Hon'ble Shri S.R. Adige, Member(Administration)

In this application, Dr. Madhusudan Nilkanthrao Rangne, has prayed for regularisation against the post of Research Assistant(Ayurveda) in the Ministry of Health and Family Welfare, New Delhi.

2. From the material on records, it appears that the applicant was initially appointed on the said post on purely adhoc basis for a period of 3 months w.e.f. 9th Nov., 1989. Thereafter the period of ad hoc appointment was extended for a further period of three months w.e.f. 9th Feb., 1990. Apprehending that his services would be terminated, the applicant filed this O.A. before the Tribunal, and obtained

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an interim order on 4.6.90 by which the respondents were restrained from terminating his services. That interim order has continued from time to time, and from the submissions made by Shri N.S. Mehta, 1d.counsel for the respondents before us, we note that the applicant is still continuing on the said post, on the strength of that interim order, as the respondents did not appear to have taken any steps to vacate the same.

3. None appeared for the applicant, when the case was called out, although we waited for a considerable length of time. As this is ^{an} old case, we thought it fit to dispose it of after perusing the material on records and hearing Sh.Mehta, 1d.counsel for the respondents.

4. Shri Mehta has invited our attention/^{to} the contents of the reply filed by the respondents, from which it would appear that the applicant was appointed against the permanent post of Research Assistant(Ayurveda) purely on an ad hoc capacity as that post had been rendered vacant, consequent to ^{the} permanent incumbent having promoted to higher post on ad hoc basis. The termination of services of the applicant was necessitated because, the permanent incumbent was to revert to his regular post. From the reply filed by the respondents, it is clear that the said post was reserved for a Sch.caste candidate^s and had been duly advertised and the applicant was appointed to the said post on his selection by the Selection Committee. Shri Mehta emphasised that the appointment order clearly states that the applicant is being appointed on a purely adhoc basis and had no right to continue against that post, but he was continuing

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on the strength of the interim order passed by the Tribunal. The relevant advertisement calling for applications for the said post of Research Assistant (Ayurveda) (Ann.A.1) however nowhere stipulates that the vacancy was on adhoc basis neither or was a purely gap arrangement till the regular incumbent returned.

5. In the over all conspectus and facts of the case and particularly having regard to the fact that the applicant belongs to the S.C. Community, whose Welfare and advancement is an important Principle of Public Policy, we are reluctant at this stage to allow the applicant's services to be summarily terminated, more so because the applicant has been continuing against the said post for over four years, albeit on the strength of the interim order, and is not present before us to argue his case today.

6. We, therefore, dispose of this application, with a direction to the Respondents to consider adjusting the applicant against the first available vacancy on an equivalent post in the same pay scales within six months from the date of receipt of a copy of this judgment, and till then to continue to maintain the status quo.

7. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member(Judicial)

M. Adige
(S.R. Adige)
Member(Administration)