

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELHI.

O.A. No. 1531/90

New Delhi, dated the 22th August, 1990

CORAM

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

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

Shri S.R. Singh,  
R/o 32, SFS (DDA) Flats, Hauz Khas,  
New Delhi.

.. Applicant

(None for the applicant )

V/s

1. Commissioner for Linguistic  
Minorities in India through its Commissioner  
40 Amarnath Jha Marg, Allahabad.
2. ~~Asstt.~~ Commissioner 40 Amarnath Jha Marg  
Allahabad.

.. Respondents

(None for the Respondents )

JUDGMENT (ORAL)

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

In this application, Shri S.R. Singh, former  
Personnel Assistant to the Commissioner for Linguistic  
Minorities has prayed that the Respondents be directed not to  
he  
terminate his services and that/ he given the duty of P.A.

2. From the material on records, it appears  
that the applicant was appointed vide office order dated 15.7.88  
(Ann.A.12) for the post of Personnel Assistant to the Commissioner  
for Linguistic Minorities w.e.f. 18.7.88 . The appointment letter

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(Ann.A.12) specifically stated that the applicant appointment would be co-terminus with that of the Commissioner or till the Commissioner desires his services. Consequent to resignation of Commissioner for Linguistic Minorities w.e.f. 12.3.90, the applicant services also came to <sup>an</sup> end on that date.

3. As per the Recruitment Rules, <sup>an</sup> for the post of Personnel Assistant to Commissioner, <sup>has</sup> to be filled by Direct Recruit through the Staff Selection Commission. Age limit for stenographer <sup>an</sup> <sup>P.A.</sup> has been prescribed as 18 to 25 years, and as the petitioner's <sup>an</sup> date of birth is 8.7.1960, he was over age and <sup>had an</sup> already crossed the age of 25 years <sup>an</sup> on the date of his appointment. Furthermore, the essential qualifications <sup>for an</sup> of stenographer/P.A. was that one should know the shorthand. <sup>The an</sup> Recruitment Rules prescribed that the appointee should have the minimum speed of 120 w.p.m. in shorthand and 40 words per minute in typewriting, but there <sup>an</sup> was no material to indicate that the applicant possess <sup>an</sup> these qualifications. Moreover, the Recruitment Rules also laid down the appointee would have to undergo a period of two years <sup>on</sup> probation. But in the office order dated 15.7.1988 there was no such mention.

4. When the case was called out, neither the applicant nor the respondents were present, although we waited the entire day. We therefore, thought it fit to dispose of the application on the basis of material on records.

5. From the facts mentioned above, it is clear that the applicant's appointment as Personnel Assistant to the Commissioner for Linguistic Minorities was made <sup>an</sup> purely temporary measure, with the specific conditions that the said appointment would be co-terminus

with the appointment of the Commissioner himself. The said engagement was <sup>A/A</sup> stop-gap one, and that is why at the time of his engagement, neither the provision of the Recruitment Rules nor the procedure prescribed for making appointment through the S.S.C. were followed. The applicant was also overage at the time of appointment and there is nothing to indicate that he possesses <sup>A</sup> the minimum qualifications for filling up the post.

6. Under the circumstances, the impugned order disengaging him, warrants no interference.

7. Before apart the case, we take note of the fact, that the respondents in paragraph 11 of their reply have stated that on 19.12.90, the applicant has <sup>been</sup> given co-terminus appointment on the post of Personal Assistant to the Member of the Minorities Commission w.e.f. 9.11.90 and the applicant has accepted the said appointment.

8. This application is accordingly dismissed. No costs.

*Lakshmi Swaminathan*  
(Lakshmi Swaminathan)  
Member (Judicial)

*S.R. Adige*  
(S.R. Adige)  
Member (A)