

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

O.A. No. 1766/1990
T.A. No.

199

DATE OF DECISION 25.02.1991.

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| <u>Shri Jagdish Raj</u> | <u>Petitioner</u> |
| <u>Shri A.K. Sikri</u> | <u>Advocate for the Petitioner(s)</u> |
| <u>Versus</u> | |
| <u>Delhi Administration & Ors.</u> | <u>Respondent</u> |
| <u>Ms. Ashoka Jain</u> | <u>Advocate for the Respondent(s)</u> |

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The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)
The Hon'ble Mr. M.M. MATHUR, ADMINISTRATIVE 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
4. Whether it needs to be circulated to other Benches of the Tribunal? /No

JUDGMENT(ORAL)

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

We have heard the learned counsel of both parties.

The relief sought by the applicant, who is working as Senior Supervisor (Radiology) in Lok Nayak Jaiprakash Narain (hereinafter referred to as 'L&JP) Hospital, is that the respondents be directed to allow him to continue to work in the said post till it is filled up on a regular basis.

2. On 31.8.1990, the application was admitted and an interim order was passed to the effect that the respondents shall maintain status quo as regards the continuance of the applicant in the post of Senior Supervisor (Radiology) in the said Hospital.

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3. The admitted factual position is that there are three posts of Senior Supervisor (Radiology) in the aforesaid Hospital. The applicant alone is working in the Hospital against one of the vacant posts and the remaining two posts have not been filled up. The learned counsel of the applicant states that the applicant fulfils the eligibility conditions for promotion from the post of Tutor (Radiology) to that of Senior Supervisor (Radiology), in accordance with the Recruitment Rules of 1978, which have been reproduced at page 21 of the Paper Book.

4. The learned counsel of the respondents contends that the appointment of the applicant has been purely on an ad hoc basis, which was extended from time to time. It was last extended upto 21st June, 1989 or till the post is filled on regular basis, whichever is earlier. Even thereafter, the applicant has been allowed to continue in the post on an ad hoc basis as no regular appointment has so far been made.

5. The learned counsel of the respondents further contends that the applicant being an ad hoc ^a appointee, he has no right to hold the post to which he has been

appointed. This is not being disputed by the learned counsel of the applicant, who, however, submits that till the vacancies are filled up on a regular basis in accordance with the Recruitment Rules, the applicant has a right to be considered for appointment on an ad hoc basis.

6. In our view, so long as appointment of Senior Supervisor (Radiology) has not been made on a regular basis and so long as the respondents need the services of a Senior Supervisor (Radiology) and so long as his performance is otherwise satisfactory, the respondents should allow him to continue in the post of Senior Supervisor (Radiology) on an ad hoc basis till regular appointment to the said post is made. The applicant would also be entitled to be considered for regular appointment in accordance with the Recruitment Rules.

7. The application is disposed of on the above lines. There will be no order as to costs.

M. M. MATHUR
(M. M. MATHUR)
MEMBER (A)

P. K. KARTHA
(P. K. KARTHA)
VICE CHAIRMAN (J)