

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2365/1990
T.A. No.

199

DATE OF DECISION 09-04-1991

<u>Shri B.S. Sharawat</u>	Petitioner
<u>Shri R.L. Sethi</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. & Others</u>	Respondent
<u>Shri M.L. Verma</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K. CHAKRAVORTY, 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. D.K. Chakravorty, Administrative Member)

We have heard the learned counsel of both parties. The learned counsel of the applicant stated that the applicant is restricting his relief only to continuance in the post of Sr. Librarian on ad hoc basis till he is replaced by a regularly appointed person in accordance with the Recruitment Rules. The applicant has looked after the post of Sr. Librarian with effect from 1.6.1987 when Shri Amarnath Sharma retired on attaining the age of superannuation. The applicant was appointed on ad hoc basis to the post of Sr. Librarian with effect from 18.1.1988. He is even now continuing in the said post on ad hoc basis.

2. The learned counsel of the respondents argued that the applicant has no legal right to continue in the said post as it is reserved for Scheduled Caste. He relied upon the relevant instructions issued by the Department of Personnel, according to which, the rule of reservation has to be given effect to after carrying forward the vacancy, if it is a case of single vacancy.

3. We have gone through the records of the case carefully and have heard the learned counsel of both parties. The applicant belongs to the general category. His apprehension is that his services on ad hoc basis in the post of Sr. Librarian might be replaced by the respondents by appointing another ad hoc employee. The learned counsel of the respondents stated that in accordance with the Recruitment Rules which are pending finalisation, the applicant would not possess the requisite qualifications for appointment.

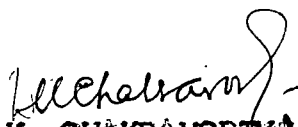
4. After considering the contentions of both sides, we dispose of the present application at the admission stage itself with the direction to the respondents that the ad hoc appointment of the applicant as Sr. Librarian shall not be terminated till he is replaced by a regularly appointed person in accordance with the

relevant Recruitment Rules.

5. The application is disposed of on the above lines.

There will be no order as to costs.

Let a copy of this order be given to both parties immediately.


(D.K. CHAKRAVORTY)
MEMBER (A)


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