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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 1523/91 New Delhi, dated the 8th June, 95

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER, (J)

Shri Vijay Kumar,
S/o Shri Gopi Chand,
R/o 3268/27, Tri Nagar,
Delhi-110035.

(None appeared for the applicant) APPLICANT

VERSUS

1. Delhi Administration,
through its Secretary (Medical)
Office of the Delhi Administration,
5, Sharnath Marg,
Delhi.
2. Lok Nayak Jai Prakash Narain Hospital
New Delhi. ... RESPONDENTS

(None appeared)

ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri Vijay Kumar has sought for a ^{declaration} ~~direction~~ that he has been engaged in continuous employment ^{with} of the Respondents, and the termination of his service w.e.f. 21.11.90 is illegal. He has also sought ^{for} ~~for~~ direction to the Respondents ^{to} appointing him as a Radiographer w.e.f. the date the other candidates ^{were} ~~also~~ appointed, and also for release of his salary from 29.7.90 20.11.90.

2. From the materials on record and in particular Respondents' order dt. 8.2.89 (Ann. A-4) it appears that the applicant with the prior

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approval of the Medical Superintendent and selection by the Staff Selection Board the applicant was appointed as Junior Radiographer w.e.f. 9.2.89 on purely ad hoc/emergent basis for a period of 89 days or till such time a regular candidate is made available from TRC whichever is earlier. It was stated that the above appointment was purely ad hoc/emergent and the appoint^{ment} would not confer^{on} him any right^{arising} for regular appointment in the Hospital or any other organisation in the Delhi Administration.

3. It appears that this appointment was extended from time to time according to necessity, and the applicant continued to work on ad hoc basis till 28.7.90. After which he was disengaged.

4. Meanwhile recruitment^{for selection} of the post of Radiographer was held, in which the applicant participated, but was not selected.

5. It is well settled that an applicant has enforceable right to be ^{as considered} called for selection, if he possesses the requisite qualification, but has no enforceable right to be selected. In the present case, admittedly, the applicant was considered for selection for the post of Radiographer, and can have no legitimate grievance if he was not actually selected, more particularly as no malafide has been alleged against any person involved in the selection process.

6. None appeared for the applicant when this case was called out. None appeared for the Respondents either.

7. Manifestly, the applicant's appointment as Junior Radiographer was on purely ad hoc and emergent basis for a specified duration, which was extended from time to time and was terminated, when the need to continue that ad hoc/emergent arrangement no longer existed. It is also clear that the applicant did participate in the selection for the post of Radiographer but was not selected, and under the circumstances

he can have
he has no legitimate grievances. Furthermore, when the applicant has not produced any material to show that he worked after 28.7.59, the question of payment of wages beyond that date does not arise.

8. In the result no intervention in this case is warranted. This D.A. fails and is dismissed accordingly. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
Member (J)

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

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