

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI.

D.A.No.2027/91

Date of Decision:20.08.1992

Smt. Gayatri Devi ... Applicant
Shri P.T.S. Murthy ... Counsel for the applicant
Vs.
Union of India & Ors. ... Respondents
Mrs. Raj Km. Chopra ... Counsel for the respondents

CORAM:

The Hon'ble Mr. P.K. KARTHA, Vice Chairman(J)

The Hon'ble Mr. B.N. DHOUNDIYAL, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporters or not? *Yes*

JUDGEMENT

(of the Bench delivered
by Hon'ble Member Shri B.N. DHOUNDIYAL)

Smt. Gayatri Devi, who has worked as Peon in the Central Institute for Research and Training in Employment Services, Pusa, is aggrieved by the impugned order dated 31.7.91, issued by the Deputy Director of the above Institute, terminating her services with immediate effect. She was sponsored by the Employment Exchange for appointment as Peon in the office of the respondents. She joined the said post on 3.1.90 and her appointment letter dated 29.12.89 stated that the post was purely on adhoc basis. No fixed period was indicated. However, on 15.1.90, another order was issued providing that adhoc appointment would be for 3 months only i.e. from 3.1.90 to 2.4.90. Later, the applicant was allowed to draw
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her pay in the time scale against a vacant post. The period of appointment was extended from time to time on the recommendation of DPC, each extension lasting for 3 months. On 16.7.91, an order was issued extending the period of appointment from 1.7.91 to 30.9.91, or till filling up posts on regular basis, whichever was earlier. The impugned order dated 31.7.91, terminating her services with immediate effect, was contrary to the order dated 16.7.91. The applicant has also stated that her junior Shri Rajbir has been retained in service and also regularised. The applicant has already been recommended twice by the DPC in the meetings held on 31.7.90 and 10.1.91. When a clear vacancy is available in the Institute, there is no need for terminating her service. She has prayed that the office order dated 31.7.91 be set aside and quashed and she be allowed to continue in service as Peon.

2. On 6.9.91, an interim order was passed directing the respondents to consider re-engaging the applicant as casual labourer, in preference to her juniors and outsiders.

3. The respondents have contended that the applicant was appointed purely on adhoc basis and that too, for a limited period against the vacancies caused by the short term promotion or deputation of the regular incumbent. The application is also hit by the doctrine of acquiescence as it was clearly stated in the appointment letter that the appointments were purely temporary on adhoc basis. The respondents had to take special permission from the Department of Personnel and Training to extend the adhoc appointment beyond one year. Her services were terminated on 31.7.91 and the order of termination was served upon her on the same day. The so-called junior, Shri Rajbir was

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appointed against the regular vacancy of 'farash' through DPC against a vacancy reserved for the Scheduled Caste candidates. On 1.8.91, all the regular Peons promoted on adhoc basis/on deputation, returned to their regular posts of Peons and there was no vacancy available for those appointed as adhoc Peons.

4. We have gone through the records of the case and heard the learned counsel for both parties. The respondents have sought to distinguish between 'adhoc appointments' and 'casual appointments' implying that the relief granted to the casual workers under the judgements of the various courts, cannot be extended to those of adhoc appointees. However, it is a fact that the applicant has worked continuously from 3.1.90 to 31.7.91 and her services were terminated abruptly, even though, the order dated 16.7.91 had extended her service till 30.9.91. The respondents have not stated that her performance and conduct were not satisfactory.

5. In the facts and circumstances of the case, we held that the applicant would be entitled to the same relief, as has been granted to the casual workers in similar cases. We, therefore, dispose of the application with the following orders and directions:-

(i) The respondents shall maintain a Register containing the names of such persons who have worked in their office as Peons on adhoc basis, indicating their respective length of service.

(ii) The persons borne in such Register, will have the preferential right to be appointed against temporary vacancies over those with lesser length of service and outsiders, whenever such vacancies arise in the future. In such cases, the respondents

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shall not insist on fresh nominations
from the Employment Exchange.

(iii) Subject to what is stated in (i) and (ii) above, we further direct that for the purpose of engagement and regularisation of such persons, the Ministry of Labour shall be treated as a single unit and if vacancies are available in any of the establishments of the said Ministry at Delhi, the applicant shall be adjusted against the same, subject to their fulfilling the eligibility criteria prescribed by the Department of Personnel and Training in the administrative instructions issued by them on the subject.

(iv) There will be no order as to costs.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL) 10/8/92
MEMBER (A)

P.K. Kartha
20/8/92
(P.K. KARTHA)
VICE CHAIRMAN (J)

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