

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

NEW DELHI

O.A. No. 2489/1991

Date of decision 7-12-1995

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

Hon'ble Shri R.K. Ahooja, Member (A)

Sh. Chander Parkash
s/o Shri Baldev Raj
working as L.D.C. in the office
of Small Industries Extension
Centre, Rewari and
r/o H.No. 206, Krishan Nagar,
Rewari (Haryana)

(By Advocate Shri V.P. Sharma)

... Applicant

Vs.

1. Union of India through the Secretary,
Ministry of Industries,
Govt. of India, New Delhi.
2. The Director,
Ministry of Industries, Small
Industries Service Institute,
Okhla, New Delhi.
3. The Deputy Director,
Small Industries Services Institute,
Karnal (Haryana)
4. The Assistant Director,
Small Industries Institute
Extension Centre (Opp. Civil Hospital)
Rewari (Haryana)
5. Smt. Suman Sharma,
Small Industries Institute,
Extension Centre, Rewari (Haryana)

(By Advocate Shri M.M. Sudan)

... Respondents

D R D E R (DRAL)

[Hon'ble Smt. Lakshmi Swaminathan, Member (J)]

The applicant on being sponsored by the
and
Employment Exchange/ appointed on ad hoc basis in the
office of the respondents with effect from 18.6.83

is aggrieved by the order of termination of service u.e.f.

4.4.84 (Annexure A-1).

2. The applicant has worked for more than 180 days and had also been appointed after verification of his medical fitness, police verification etc. and his work is also satisfactory. Shri V.P. Sharma, learned counsel for the applicant submits that following the decision in Piara Singh Vs. State of Haryana (1992(2) SCALE 34) the impugned order of termination dated 4.4.84 is illegal inasmuch as the applicant's services have been terminated in order to bring in another ad hoc appointee namely one Smt. Suman Sharma. The applicant, therefore, claims that the application may be allowed and the impugned order dated 4.4.84 be quashed, as the termination is illegal.

3. The respondents have filed a reply in which they have taken the preliminary objection on the ground of limitation. On the merits they have averred that the question of appointing the applicant in a substantive capacity does not arise because he was appointed purely on ad hoc basis against the existing vacancy till a regular L.D.C. was appointed through Staff Selection Commission. They rely on the letter dated 15.6.83 (Annexure R-1) in which it is mentioned that the applicant's

services will be terminated as soon as the S.S.C. nominee joins duty which condition has been noted while receiving the appointment letter by the applicant. Shri M.M. Sudan, learned counsel for respondents submits that the impugned termination order dated 4.4.84 refers to one Sri Dharamjit Singh who is nominee of the S.S.C. ^{who} ~~has~~ reported for duty as a regular L.D.C. on the basis of which the services of the applicant has been terminated. Therefore, he submits that in terms of the offer of appointment there is no illegality in the termination order. He, therefore, submits that this application may be dismissed both on the ground of limitation and merit.

4. We have carefully considered the arguments of both the learned counsel, pleadings and the record in this case.

5. The letter of appointment issued by the respondents makes it clear that the applicant's services will be terminated on the joining of duty by ^a ~~the~~ duly selected S.S.C. nominee. There is no dispute on the fact that Shri Dharamjit Singh has been duly selected by the S.S.C. as L.D.C. So far as ^{Ms} ~~as~~ Suman Sharma is concerned, the respondents have explained the circumstances in which she was posted at

Riwari on change of the Headquarters, where she has worked from 15.7.87 to 31.10.87. Therefore, the allegation of the applicant with regard to this lady does not appear to be relevant in the facts and circumstances of this case, as the termination order was dated 4.4.84. Therefore, on the merits, we find no good ground to interfere with the impugned termination order. Apart from this we ~~also~~ find that the case is also barred by limitation, as the application has been filed only in 1989 whereas the grievance has arisen as far back as in 1984.

6. In the result, the application is dismissed both on the grounds of merit and limitation. No costs.

R. K. Ahuja
(R. K. AHUJA)
MEMBER (A)

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

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