

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No.552/91 with  
MP.1229/91

DATE OF DECISION 1-10-91.

Shri R.K. Loona - Applicant.  
Shri K.C. Sharma with  
Shri Jog Singh - Advocate for the applicant.  
Versus  
Union of India - Respondents.  
Shri M.L. Verma - Advocate for the respondents.

CORAM:

The Hon'ble Mr. P.K. KARTHA, VICE-CHAIRMAN.(J)  
The Hon'ble Mr. B.N. DHOUDIYAL, MEMBER(A)

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

JUDGEMENT

(OF THE BENCH DELIVERED BY SHRI B.N. DHOUDIYAL, HON'BLE MEMBER(A))

1. This application has been filed by Shri R.K. Loona, an ad hoc Scientific Officer/Engineer, Grade 'SB' (Programmer) in the National Informatics Centre(Hqs), New Delhi, against his services not being regularised and a regular scale of pay not being given to him. The Application was admitted on 28.2.91, and a direction was issued that the respondents shall continue the applicant as Scientific Officer, if vacancies are available and if he is otherwise qualified and found fit to continue in the said post on an ad hoc basis. The applicant filed M.P.1229/91 on 16.4.1991 stating that this interim order was being flouted by the respondents and that he was not being allowed to resume his duties from 1.4.1991. He prayed that he may be allowed to work on ad hoc basis during the pendency of the main O.A.

2. As the pleadings in the main O.A. were complete and as the relief sought in M.P. was similar to that sought in the O.A., it

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was decided that both the O.A. and the M.P. be disposed of finally.

3. The applicant was appointed as Scientific Officer/Engineer Grade 'SB' in the scale of pay of Rs.2000-3500 on an ad hoc basis after selection by an Interview Board vide order dated 17.10.1988 for a period of six months. Extensions were given to him from time to time; last such extension was given on 14.11.1990 extending his term upto 31.1.1991. The respondents advertised on 4.2.1989, 260 posts of District Informatics Officers (Programmers). The applicant also applied for the post but could not appear in the test on 14.5.1989 as he met with an accident and was hospitalised for three months. After resuming his duties in June, 1989, he was given extension till February, 1991. On 26.2.1990, the applicant was called for an interview but the same was cancelled without assigning any reasons. The applicant contends that in the absence of any recruitment rules and in view of regular vacancies available, his selection and appointment in November, 1988 be treated as regular selection.

4. The respondents have stated that since he did not qualify in the open competition comprising of written test and an interview, his services were not continued beyond 28.2.91. The appointment order given to him in November, 1988 clearly mentioned that he was being appointed on purely ad hoc basis and that he would not be entitled to claim regularisation. He cannot claim confirmation after non-extension or termination as held by the Hon'ble Supreme Court in the case of DHIRAJ GHOSH VS. U.O.I. (AIR 1991 SC 75).

5. The respondents have further stated that during 1988, 25 candidates who had completed practical training at the National Informatics Centre, were offered an appointment on purely ad hoc basis. Selection was not based on the usual written test followed by the interview. Out of these 25 persons, 6 left the organisation, 17 were selected for <sup>in</sup>regular jobs through an open competition and only the applicant and Shri Manoj Kumar, applicant in OA.553/91, continued on ad hoc basis upto 28.2.1991. The applicant was called for written test when he applied against the advertisement but he failed to appear. He also applied for the next higher post of Scientist/Engineer Grade SC, in response to an

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advertisement but was not recommended by the Selection Committee for appointment. The question whether he could be given regular pay in the scale of Rs.2000-60-2300-EB-75-3200-100-3500 was for the period he worked was under consideration.

6. We have gone through the records of the case and have carefully considered the rival contentions. The learned counsel of both parties have relied upon numerous rulings and we have duly considered them. The respondents have not made any recruitment rules for the post in question. They have treated the applicant <sup>almost as</sup> as a casual worker. In case of casual workers, the Supreme Court has frowned upon the practice of the employers to take unfair advantage of the unemployment prevailing in the country and discontinuing their services even when vacancies exist and their juniors are retained. In many cases, Government departments have been asked to frame suitable schemes for regularisation of their services. In all the cases age relaxation is provided for to the extent of casual service rendered by the casual workers for the purpose of regularisation. In the instant case, we have been informed at the time of final hearing that barring two persons, including the applicant, the others have been regularised. We, therefore, feel that in present case also a sympathetic view should be taken by the authorities and the applicant be engaged as ad hoc Scientist, if vacancy exists and in preference to rank outsiders. He should also be given at least 2 more chances to appear before the Selection Board with age relaxation to the extent of ad hoc service rendered by him.

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

*B.N. Dhoundiyal*  
(B.N. DHOUNDIYAL)  
MEMBER (A) 1/10/71

*P.K. Kartha*  
(P.K. KARTHA)  
VICE-CHAIRMAN (J)

\* Cases relied upon by the applicant 1990(1)SLJ(CAT)264; 1987(1)SLR(CAT)625; 1990(1)ATJ 377  
1990(14) ATC 688(SC)  
Cases cited by the respondents: AIR/91/SC 75; 1990(3)SLJ 47(SC).