

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2/85 198
T.A. No.

DATE OF DECISION 11.4.86

Miss Anita Negi **Petitioner**

Shri B.S. Gupta **Advocate for the Petitioner(s)**

Versus

Liaison Commissioner **Respondent**

Ms. Avinish Ahlawat, **Advocate for the Respondent(s)**

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? no
4. Whether to be circulated to all Benches ? Yes

(K. Madhava Reddy)
Chairman 11.4.86

(Kaushal Kumar)
Member 11.4.86

5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
DELHI

REGN. 2/85

Date of Decision 11.4.1986.

Miss Anita Negi	Petitioner
	Versus	
Liaison Commissioner	Respondent

CORAM:

Mr. Justice K. Madhava Reddy, Chairman
Mr. Kaushal Kumar, Member

For petitioners	Sh.B.S.Gupta, Advocate
For Respondent	Ms Avinish Ahlawat, Counsel.

(Judgement of the Bench delivered by
Mr. Justice K. Madhava Reddy, Chairman)


This is a petition under Section 19 of the Administrative Tribunals Act, 1985 (hereinafter referred to as 'The Act') for quashing the order No. LCE/1/84/657 dated 17th December 1984 issued by the Liaison Commissioner, Government of Arunachal Pradesh, New Delhi, the first respondent herein.

2. The few facts necessary for the decision of the case may be briefly noticed.

3. Pursuant to the advertisement issued by the office of the Liaison Commissioner, Government of Arunachal Pradesh, dated 21.11.83, the petitioner, one Ms. Swaraj Bakshi and some others applied for the post of receptionist. The petitioner and Ms Swaraj Bakshi were selected and offered the temporary posts of receptionists in the office of the Liaison Commissioner as per the terms and conditions contained in memorandum

/that

No. LAC/137/83 dated the 14th December 1983. Apart from stating/
the post is temporary (likely to ~~be~~ continue), ~~in~~ one of the terms stipulated that it was "purely ad hoc and may be terminated at any time without any notice by either side, without assigning any reasons." The petitioner accepted the



...2 ...

offer and joined the post of receptionist on 16.12.83 and completed one year of her service on 15.12.84. By the impugned order dated 17.12.84 the petitioner was informed that " the tenure of your ad hoc and temporary appointment has already expired on 15.12.84 and as such the question of your attending this office today or further does not arise. Para 2 of the appointment order No.LAC/137/83 dated 27.12.83 refers".

4. Mr.Gupta, the learned Counsel for the petitioner contends that the petitioner had accepted the appointment as receptionist under the said terms and conditions but as the post itself is not abolished and the Respondents are seeking to make afresh appointment by calling for applications from the Employment Exchange, the petitioner has a right to continue on the post. The action of the respondents is unjustified and arbitrary.


5. From what is stated above it is manifest that there is no order of termination of service made against the petitioner. The petitioner was appointed to a temporary post. The petitioner was ~~also~~ ~~was~~ appointed for a limited period of time i.e. for a period of one year. Whether the post is temporary or permanent, the petitioner acquires a right to the post only as per terms of ^{her} appointment. Her appointment was for a specific period of one year and according to one of the terms of her appointment, the services could be terminated ~~by~~ even before the expiry of one year without any notice. Both the petitioner and the respondents could put an end to the employment by exercising that right. In the instant case the service has not been terminated, it has come to an end by efflux of time. The petitioner was unable to point out any Rule or term of her appointment which entitled her to continue in employment beyond the period of one year

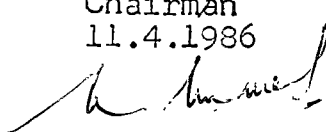


....3/

for which she was appointed. The contention that the impugned order amounts to arbitrary termination of service has no legs to stand. The decision of the Supreme Court in *Surinder Singh & Another Vs. The Engineer in Chief CPWD & Others*¹ which laid down the principle of equal pay for equal work has no relevance to the matter in issue before us. It does not direct that a person appointed temporarily for a limited period has a right to continue in the post beyond the period for which such person was appointed. According to the standing instructions all such appointments were to be made after calling for applications from the Employment Exchange. The petitioner was appointed contrary to these standing instructions. However, these appointments having been made for a limited period of one year, the petitioner has no right either under the rules or under the terms of her appointment to continue beyond that period of one year.

6. It would not be out of place to mention that Ms. Swaraj Bakshi, the other candidate appointed along with the petitioner and whose services also lapsed on the expiry of one year, called in question in Writ Petition No. 71/85 before the Delhi High Court a similar memorandum issued to her. A Division Bench of that Court dismissed that petition on 9.1.85. The petitioner not being a party thereto and the order itself not being a speaking order, does not operate as resjudicata against the petitioner. In view of the above discussion, the same result must follow in the petitioner's case which is identical to that of Ms. Swaraj Bakshi. This petition, therefore, fails and is accordingly dismissed.


(K. Madhava Reddy)
Chairman
11.4.1986


(Kaushal Kumar)
Member
11.4.1986