

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA No. 1401/93

.. Date of decision: 06.08.93

Sh. P.H.P. Verma

.. Applicant

Versus

Union of India

.. Respondents

CORAM

Hon`ble Mr. J.P. Sharma, Member (J)

Hon`ble Mr. Gurushankaran, Member (A)

For the applicant .. Sh. Mahesh Srivastava, Counsel.

JUDGEMENT (Oral)

(Delivered by Hon`ble Mr. J.P. Sharma, Member (J)

The applicant is aggrieved by the order of refusing ~~know~~ the Fellowship w.e.f. 31.05.93 and in this application, he has prayed for the grant of relief that the respondents be directed to provide job of Sr. Research Fellow to the petitioner. It is not disputed that the applicant is no more on the roll of fellowship, which was given to him by the appointment letter of 06.03.90. That letter laid down the terms and conditions under which the applicant is ~~work~~ ^{to} ~~work~~ and the wages he will draw for the period of his working in the Fellowship. Para 3 of the same letter provided that the fellowship will be terminated on completion of the term or on the date of sanction of the fellowship scheme/scheme expires

whichever is earlier. There is also another condition in the same para that the Director can cease the service of the applicant in the fellowship without showing or giving any notice.

The learned counsel for the applicant argued that similar cases came before the Lucknow Bench in a bunch of Writ Petitions which was decided on 22.02.90 and that they were certain similarly situated persons i.e. Jr. Investigator/Research Associates/Fieldman/Jr. Clerks/Lab. Assistants/Field Assistants/Assistant Soil Conservators etc. etc. We have gone through the judgement annexed alongwith the application and in the second para, the Lortsships observed that although the petitioners in the Writ Petition were appointed either on substantive and sanctioned post or under the posts created under different projects which were given to the University but regular appointment on the ^Y post has yet not been made and extensions have been granted to them. The applicant was given appointment in the Aromatic Plant Project at N.B.P.G.R. Pusa Compus, New Delhi. The applicant has also filed a certificate of Dr. K.L. Sethi dated 7.8.92 with whom the applicant has worked recommending his being relieved from the post after his assignment of 3 years.

In fact the relief claimed by the applicant is a mandamus to the respondents to allow the applicant to continue in the fellowship ~~irrespective of the fact whether there is~~ with ~~respective assignment of work available~~ to him or not. The applicant has no vested right ~~nor~~ he can claim any such right by virtue of the initial order of appointment or under the common law. He was not appointed to a post sanctioned or likely to be created but he was only

offered to work with Emeritus Scientists Scheme and the period of working was fully determined in advance till the fellowship is completed. It cannot be equated with adhoc appointment also. The judgement referred to by the learned counsel for the applicant does not apply to the present case.

After going through the appointment letter, we also find that there is no mention as the rule which will govern the terms and conditions of the service i.e. CCS (CCA) Rules, 1965 etc.

This application is, therefore, dismissed as devoid of merit. No costs.

Gurusankaran
(S. Gurusankaran)

Member (A)

J.P. Sharma
(J.P. Sharma)

Member (J)