

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

...

OA No. 990/93

New Delhi, this the 18th day of March, 1999

HON'BLE SHRI S.R.ADIGE, VICE CHAIRMAN (A)  
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

In the matter of:

R.S.Butola  
son of Late Shri Hira Singh  
Aged 40 years  
r/o A-6/61, Krishi Niketan  
New Delhi-110063.  
(By Advocate: None)

Vs.

1. Union of India through  
The Secretary  
Ministry of Agriculture  
Krishi Bhawan  
New Delhi-110011.
2. The Secretary  
Indian Council for  
Agricultural Research  
Krishi Bhawan,  
New Delhi-110011.
3. Chief Administrative Officer  
Indian Agricultural Statistics  
Research Institute  
Library Avenue  
New Delhi-110012.  
(By Advocate: Sh. V.K.Rao)

O R D E R (ORAL)

delivered by Hon'ble Shri S.R.Adige, Vice Chairman (A)

Applicant impugnes respondents orders dated 17.4.93 (Annexure AA) and seeks a declaration that he, having been appointed to the post of Xerox Operator, continues to hold the post till the same is regularly filled up after promulgation of the Recruitment Rules for the said post with all consequential benefits.

2. None appeared for the applicant when the case was called up even on the second call. Sh. Rao appeared on behalf of the respondent and has been heard.

3. As this is an old case filed in the year 1993 and is shown at sl.no. 9 of the regular list, we are disposing it after hearing Sh. Rao and perusing the material on record.

4. Sh. Rao has invited our attention towards respondents' order dated 12.4.91 (Annexure-V), appointing applicant who was then working as SS Gr.II to the Auxiliary post of Xerox Operator on ad hoc basis for a period of 6 months w.e.f. the date he takes over charge of the post, or till the Recruitment Rules for the post of Xerox Operator are finalised, whichever is earlier. The aforesaid order also made it clear that the ad hoc appointment would not confer upon him any title to claim appointment to the post of Xerox Operator on regular basis.

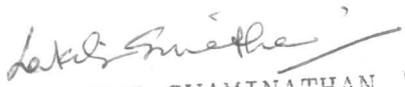
5. This appointment on ad hoc basis was extended from time to time, but by order dated 17.4.93 (Annexure AA) the applicant was reverted to the post of SS Gr. II. Respondents states that this order dated 17.4.93 was sought to be served on applicant on the same day, but applicant refused to accept the same which was recorded by the Peon who sought to serve the notice. Shri Rao has admitted that applicant served an interim order from the Tribunal on 10.5.93 to maintain the status quo as on that date, but by then applicant stood reverted.

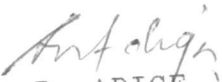


6. As applicant was appointed as Xerox Operator on a purely ad hoc basis he has no enforceable legal right to compel respondents to continue him on that post and we are unable to grant the declaration sought by him.

7. The OA, accordingly, dismissed. No costs.

8. After the above order had been dictated in open Court applicant's counsel Shri Vohra appeared.

  
( MRS. LAKSHMI SWAMINATHAN )  
MEMBER (J)

  
( S. R. ADIGE )  
VICE CHAIRMAN (A)

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