

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

Original Application No.789 of 2001.

Allahabad this the 07th day of April 2003.

Hon'ble Mr.Justice R.R.K. Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

1. Manoj Kumar Trivedi
Son of Sri Ashok Vardhan Trivedi,
Resident of House No.21-4, Dabauli
Rattan Lal Nagar, Kanpur Nagar.
2. Vidya Kant Tiwari
Son of Sri Vidya Dhar Tiwari
R/o 127/589, Block 'B' Vinobha Nagar,
Kanpur Nagar.

.....Applicant.

(By Advocate: Sri A.K. Gaur/Km. Renu Singh.)

Versus.

1. Union of India
through the Secretary
Ministry of Labour
Shram Shakti Bhawan
New Delhi.
2. Director General
Directorate General of Employment
and Training, Shram Shakti Bhawan,
Ravi Marg, New Delhi-110 001.
3. Director
Advance Training Institute
Electrical Maintenance & Mechanic Motor Vehicle,
Udyog Nagar, Kanpur-208 022.

.....Respondents.

(By Advocate : Sri G.R. Gupta)

O_R_D_E_R

(BY HON'BLE MR.JUSTICE R.R.K. TRIVEDI, V.C.)

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, applicants have prayed to quash the advertisement published in Employment News on 9-15th June 2001 (Annexure 8) to the O.A. only to the extent that it invites application for the post of Vocational Instructor



(Mechanic Motor Vehicle) and Maintenance Electrician (Arthmatic). They have also prayed for a direction to the respondents to regularise the services of the applicants on post of Vocational Instructor as mentioned above.

2. The facts of the case are that the applicants were appointed on adhoc basis as Vocational Instructor and on 27.12.1999 since then they are continuing. The applicants, however, were not allowed to work further and respondents by impugned advertisement (Annexure 8) have invited fresh applications for appointment on the post of Vocational Instructor (Mechanic Motor Vehicle) and Maintenance Electrician on adhoc basis. Learned counsel for the applicants have submitted that ~~one~~ adhoc arrangement cannot be substituted by another adhoc arrangement, as there is no complaint against work and conduct of the applicants. They are ~~allowed~~ to continuing to work until regular selection is made. It is also submitted that respondents may be directed to regularise services of the applicants.

3. Respondents have filed counter reply resisting the claim of the applicants. In counter reply it is stated that vacancies occurred on account of adhoc promotion. They ~~were~~ were given promotion ~~while~~ serving as Vocational Instructor, and they are still serving on adhoc basis. Therefore, advertisement has been issued inviting application for appointment on adhoc basis. It is also submitted that the D.O.P.T. by letter dated 20.07.2002 instructed that backlog of O.B.C. post has to be filled up and Vocational Instructor may be appointed from reserve category of O.B.C. In pursuance of the direction of the D.O.P.T dated 20.07.2000 the impugned advertisement has been issued. It is also



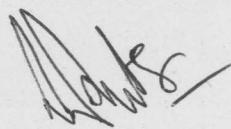
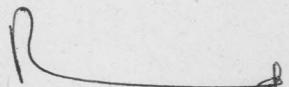
submitted that the applicants are not working on the post and they have no right to continue on adhoc basis until regularly selected candidates become available.

5. We have carefully considered the submissions of the learned counsel for the applicants. So far as the claim of the applicants for regularisation on the post is concerned, we do not find any substance at this stage. They were appointed on 27.12.1999. They have served on the post for more than ^{two} years on adhoc basis and right of the regularisation cannot be claimed. However, so far as the submission of the applicants that one adhoc arrangement cannot be substituted by another adhoc arrangement appears ~~that the post is have force~~ ~~available~~. The legal position in this regards is well settled by judgement of Hon'ble Supreme Court and Hon'ble High Court that once an adhoc arrangement is made normally it should be allowed to continue until regular selection is made for the post and candidate become available. The only exception is that if the work and conduct of the persons serving on adhoc basis is unsatisfactory, ~~they~~, they were terminated in accordance with law. In the present case, there is nothing to show that the applicant's work and conduct was ~~dis~~satisfactory. They were not served any show cause notice ~~at~~ any point of time. In the circumstances, the applicants are entitled to continue on adhoc basis until regularly selected candidates became available. It was not open to respondents to invite fresh application for appointment on adhoc basis. This action could not be justified even on the ground that the posts are reserved for appointments ~~were required~~ to be made from O.B.C. ~~for~~ reserved candidates as per instruction given by D.O.P.T. The alleged letter of D.O.P.T dated 20.7.2000 has not been filed alongwith counter reply. Though in

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paragraph 20 it has marked as Annexure 5, but there is no such letter on record, in absence of which it is difficult to ascertain as to whether D.O.P.T. directed to make adhoc arrangement also on the basis of policy of the reservation. Thus, we do not find any justification for issuing the impugned advertisement for making adhoc arrangement, the applicants are entitled for relief.

5. The O.A. is allowed, the impugned advertisement (Annexure 8) dated 9-10th June 2001 issued by Advanced Training Institute Udyog Nagar, Kanpur is quashed, so far as it relates to Vocational Instructor (Mechanic Motor Vehicle) as mentioned at Sl.No.2 and Maintenance Electrician (Arthmatic) mentioned at Sl. No.4. It shall ^{be} open to respondents to issue fresh advertisement for making appointment on regular basis. The applicants shall be allowed to continue ^{on} adhoc basis on their posts, if work is there.

6. There shall be no order as to costs.


Member-A.
Vice-Chairman

Manish/-