

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 02nd day of March, 2005.

Original Application No. 867 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. S.C. Chaube, Member- A.

Bidesh Singh Chauhan S/o Late Jagannath Singh ,
A/a 49 years, R/o Gopalnagar, working as
Security Supervisor in I.V.R.I, Izatnagar,
Bareilly.

APPLICANT

Counsel for the applicant :- Sri K.P. Singh

V E R S U S

1. Union of India through Secretary,
Ministry of Agriculture, New Delhi.
2. Secretary, Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi.
3. Director, I.V.R.I, Izatnagar, Bareilly.
4. Chief Administrative Officer, I.V.R.I,
Izatnagar, Bareilly.
5. Assistant Administrative Officer (Security),
Establishment-II, I.V.R.I, Izatnagar,
Bareilly.

RESPONDENTS

Counsel for the respondents :- Sri B.B. Sirohi

O R D E R

BY HON'BLE MR. JUSTICE S.R. SINGH, VC.

By office order dated 02.06.1994, the Director,
I.V.R.I, Izatnagar appointed the applicant as Security
Supervisor Gr. I (Security) in the scale of Rs. 750-12-870-
EB-14-940 in a temporary capacity w.e.f 21.03.1994 (FN) on
the terms and conditions laid down in the office order memo
No. F.4-3/89-MRDPC (Vol. TT) dated 10.03.1994 until further

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orders. The applicant was allowed to draw the pay at the minimum of the time scale as per rules. By subsequent office order dated 24/25.09.1997, the Director, IVRI entrusted the work of Security Supervisor as a stopgap arrangement to the applicant "without paying any remuneration and benefit etc. with immediate effect until further orders in addition to his own duties.". By order dated 12.03.2004 the Director, I.V.R.I, Izatnagar entrusted the work of Security Supervisor to one Sri Jitendra Singh, T-1 (Field Farm) without paying any extra remuneration and benefit etc. with immediate effect until further orders in addition to his own duties. This order dated 12.03.2004 was however, kept in abeyance by this Tribunal vide its order dated 18.03.2004 passed in O.A. No. 272/2004 holding that an adhoc employee cannot be replaced by another adhoc employee. The Tribunal however, directed the applicant to file a detailed representation which the Director, IVRI, Izatnagar, Bareilly (Respondent No. 3) was called upon to decide by a reasoned and speaking order. It was further provided in the order dated 18.03.2004 that the order dated 12.03.2004 would remain in abeyance and the applicant would not be displaced from the work of Security Supervisor "till the representation is decided by the respondents No. 3".

2. By the impugned order dated 20.07.2004, the representation of the applicant has been disposed of holding that the applicant had been entrusted the work of Security Supervisor as a stop gap arrangement without paying him any extra remuneration and benefits in addition

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to his own duties and the applicant was never offered the post of Security Supervisor nor he was appointed on the said post. The services of the applicant as Security Supervisor, it is provided in the impugned order, " is not required from the date of issue of this office order". The office order dated 24/25.09.1997 by which the applicant was entrusted the work of Security Supervisor as stopgap arrangement does not confer any right in favour of the applicant to hold the post of Security Officer.

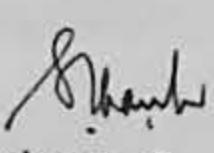
3. Sri K.P. Singh, learned counsel for the applicant has placed reliance on a decision of Principal Bench of Central Administrative Tribunal in Pratima Sharma Vs. U.O.I & Ors. 1992 (20) ATC 382 in support of his contention that the applicant having worked for more than seven years on the post of Security Supervisor cannot be treated as purely on a stop gap arrangement and he is entitled to continue on the post. We are afraid, the submission made by the learned counsel for the applicant, cannot be accepted. As pointed out herein above, the order pursuant to which additional charge was entrusted to the applicant was very clear and unambiguous that the applicant would not get any benefit merely by conferring additional duties of Security Supervisor. Having accepted the additional charge of Security Supervisor on terms and conditions stipulated in the office order dated 24/25.09.1997, the applicant cannot be permitted to say that he is entitled to any remuneration and benefit in addition to ones admissible for discharging duties of his own post. The decision relied on by Sri K.P. Singh learned counsel for the applicant has no application

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to the facts of the present case. The applicant in the case relied on by Sri K.P. Singh was selected and appointed to the post of Junior Technical Assistant though offer of appointment indicated that appointment was purely temporary and adhoc basis and in the facts situation of the case, the Tribunal held that the applicant who had worked for more than four and half years was not liable to be terminated at any time without assigning any reason.

4. Learned counsel for the applicant then submits that the applicant is entitled to additional emoluments for additional duties performed by him for the post of Security Supervisor. The submission made by the learned counsel for the applicant cannot be countnanced for the reason that the applicant himself accepted the stopgap arrangement in which he was given additional charge of Security Supervisor without payment of any remuneration or benefits.

5. In the facts, circumstances and discussions made above, we find no merit in the case and the O.A. is accordingly dismissed with no order as to costs.


Member-A
Vice-Chairman.

Anand/-