

**CENTRAL ADMINISTRATIVE TRIBUNAL
 PRINCIPAL BENCH: NEW DELHI**

**OA NO.679/2021
 MA NO.891/2021
 MA NO.892/2021**

(Through Video Conferencing)

New Delhi this the 26th day of March, 2021.



**HON'BLE MR. R.N. SINGH, MEMBER (J)
 HON'BLE MS. ARADHANA JOHRI, MEMBER (A)**

1. Suyash Sankhwar
 Aged about 29 years
 S/o Sh. Brij Kishor Sankhwar
 R/o 127/153 w-1 block, Saket
 Nagar Kanpur, behind P P M
 Hospital, Juhi Colony, Kanpur Nagar,
 UP-208014.

Presently working as:-
 Immigration Assistant, Group-C
 Intelligence Bureau
 (Ministry of Home Affairs)
 Govt. of India.

2. Aalok Kumar,
 Aged about 37 years,
 S/o Sh. Ram Bilas Paswan
 R/o 159, Beur Gaun, Phase-2
 Phulwarisharif, P P S School,
 Anisabad, Patna,
 Bihar-800002.

Presently working as:-
 Immigration Assistant, Group-C
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 Govt. of India.

3. Arvind Kumar,
 Aged about 35 years,
 S/o Sh. Anand Ji,
 R/o Village-Ghuwas Khurd,
 Robertsganj, Sonbhadra,
 UP-231216.

Presently working as:-
 Immigration Assistant, Group-C
 Intelligence Bureau
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 Govt. of India.

4. Atal Pratap Singh,
 Aged about 32 years,
 S/o Sh. Amar Pal Singh,
 R/o Baghaura, Tahsil-Salon,
 Distt- Raibareli, Baghaura,
 Amethi, UP-229128.



Presently working as:-
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 Govt. of India.

5. Sunil Kumar,
 Aged about 32 years,
 S/o Sh. Randheer Singh
 Chauhan,
 R/o F C A-4018, block-A,
 S G M Nagar, Faridabad,
 Haryana-121001.

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6. Sufiyan Panwar,
 Aged about 34 years,
 S/o Sh. Asfak Panwar,
 R/o House No.133, Naee Nagali
 Urfs Majari, Tahsil-Nakur,
 Thana-Rampur Maniharan,
 Saharanpur,
 Islam Nagar, Saharanpur,
 UP-247451.

Presently working as:-
 Immigration Assistant, Group-C
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 Govt. of India.

7. Rambir,
 Aged about 31 years,
 S/o Sh. Ram Singh,
 R/o House no.A-149 Panipat,
 N F L Township, Panipat,
 Haryana-132106.

Presently working as:-
 Immigration Assistant, Group-C
 Intelligence Bureau
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 Govt. of India.



8. Bhim Ratn Gautam,
 Aged about 37 years,
 S/o Sh. Ram Shabd Jaiswara,
 R/o House No.176-C,
 Pocket-E.L.I.G. Flats,
 G.T.B. Enclave, Dilshad Garden,
 Mandoli Saboli, North East,
 Delhi-110093.

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 Govt. of India.

9. Nidhi Raj,
 Aged about 30 years,
 D/o Sh. Shiv Kumar Sah,
 R/o Ward no.02, Rani Sati Chowk,
 Kasba Purnia, Bihar-854330.

Presently working as:-
 Immigration Assistant, Group-C
 Intelligence Bureau
 (Ministry of Home Affairs)
 Govt. of India.

10. Rahul Srivastava,
 Aged about 33 years,
 S/o Ravindra Kumar Srivastav,
 R/o 19/498, Sector-19, Delhi
 Public School, Indira Nagar,
 Lucknow,
 Uttar Pradesh-226016.

Presently working as:-
 Immigration Assistant, Group-C

Intelligence Bureau
 (Ministry of Home Affairs)
 Govt. of India.

11. Pradeep Kumar Gurjar,
 Aged about 31 years
 S/o Ram Ratan Gurjar
 R/o Ralawata Dausa, Ralawata,
 Rajasthan-303501.



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 Intelligence Bureau
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 Govt. of India.

12. Shri Dilip Kumar,
 Aged about 34 years,
 S/o Sh. Bishwanath Prasad,
 R/o Kitab Ghar, Lakan more,
 Subhash Road, Daud Nagar,
 Aurangabad, Bihar-824143.

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13. Parveen Kumar,
 Aged about 36 years,
 S/o Sh. Jagdish Chand,
 R/o B.D, P.O. Campus,
 Near Nahar Singh Park,
 Ballabghar, Faridabad,
 Haryana-121004.

Presently working as:-
 Immigration Assistant, Group-C
 Intelligence Bureau
 (Ministry of Home Affairs)
 Govt. of India.

14. Parwez Alam,
 Aged about 32 years,
 S/o Md. Moinuddin,
 R/o 50, Thakurai tola,
 Sugauli, East Champaran,
 Bihar-845456.

Presently working as:-
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 Intelligence Bureau
 (Ministry of Home Affairs)
 Govt. of India.

...Applicants

(By advocate: Shri C.M. Jha)



Versus

1. Union of India
 Through its Secretary
 Ministry of Home Affairs
 North Block, New Delhi-110001.

2. Director
 Intelligence Bureau
 Ministry of Home Affairs,
 Govt. of India,
 35, SP Marg,
 New Delhi-110021.

...Respondents

(By advocate: Shri R.K. Jain)

ORDER (Oral)

By Shri R.N. Singh, Member (J):

The applicants have filed the present Original Application under Section 19 of the A.T. Act, 1985, praying therein for the following reliefs:-

1. To quash/stay the termination order MHA Order No.25022/44/2010-Imm(Pt) dt. 18.06.2020 issued by the respondent on 17.02.2021, 18.02.2021 and 19.02.2021.
2. To regularize the service of the applicants and provide the equal opportunities as provided to the similarly selected candidates through the same advertisement.
3. Not to disturb the service of the applicants as it is the only source of income for the survival of the applicants and their family.
4. To provide job security to the petitioner during this recession and corona virus time as our Prime Minister addressed to the nation.
5. To consider the claim of the applicants.

6. Pass any other or further order which this Hon'ble Tribunal may sympathetically deem fit and proper in the interest of justice."

2. Learned counsel for the applicants submits that pursuant to the notice/advertisement of 2014, the applicants got appointment letter(s) as Immigration Assistant on contract basis. The applicants accepted the offer made to them, accepted the condition(s) as therein and joined the posts. It is, further, contended that the applicants have performed the duties as being done by regularly appointed employees of the respondents on such posts. Shri Jha, learned counsel for the applicants also adds that due to Covid period, the applicants have rather performed more and better than the regularly appointed persons as such post. The said contractual appointments of the applicants were being extended periodically. It is also an admitted case of the applicants that though the applicants participated in the selection process initiated by the respondents vide their advertisement/notification of 2014, however, the applicants could not succeed in the said selection process. However, keeping in view, their need, the respondents have appointed the employees on contract basis and the terms & conditions of employment were very much reflected in the offer of appointment and such offer of appointments were duly accepted by the applicants. Now, the grievances of the applicants are that the applicants' services have not been regularized and the applicants have been terminated vide impugned orders in view of the facts that the regularly selected persons have become available to join.

3. It is an admitted case of the applicants that the applicants' services have been replaced by regularly selected persons.

4. We have heard the learned counsels for the parties.



5. It is an admitted case of the applicants that though the applicants have participated in the selection process initiated by the respondents vide notice/advertisement, 2014, however, they had not been successful in the said selection process but they were offered the contractual appointment.



Certain conditions of service were reflected therein in the offer of appointment and such conditions were accepted by the applicants. Accordingly, we do not find any reason to hold that the applicants were regularly appointed by the respondents through the selection process initiated in the year 2014. Further, so far the claim of the applicants for regularization is concerned, we are of the considered view that once the post is required to be filled up in accordance with the rules, framed under Article 309 of the Constitution and admittedly such posts have been filled up by the respondents in accordance with such Recruitment Rules, merely for the reasons that the applicants have been appointed and they have served as contractual employees for around two years, the same will not be sufficient to hold that applicants are required to be considered for regularization against such posts.

6. For the forgoing reasons, we are of the considered view that the OA lacks merit and accordingly, the same is dismissed. However, in the facts and circumstances, no order as to costs.

7. Pending MAs also stand disposed of, accordingly.

(ARADHANA JOHRI)
MEMBER (A)

(R.N. SINGH)
MEMBER (J)

