



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

OA No. 1092/2021

This the 17th day of June, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Mr. Zareef Ahmad,
S/o Sh. Khaleeq Ahmad,
R/o F-42, CSIR Scientist Apartment,
Maharani Bagh, New Delhi – 110065.

... Applicant

(By Advocate : Ms. Jasvinder Kaur)

Versus

1. Council of Scientific & Industrial Research,
Anusandhan Bhawan, Rafi Marg, New Delhi,
Through its Director General.
2. Joint Secretary (Admn),
Council of Scientific & Industrial Research,
Anusandhan Bhawan, Rafi Marg, New Delhi.

... Respondents

(By Advocate : Mr. Praveen Swaroop)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman :**

The applicant was appointed on ad hoc basis to the Technical Post III (5) in Council of Scientific & Industrial Research (CSIR) in the year 2009. He filed OA 1787/2019 with a prayer to direct the respondents to appoint and absorb him against the post of Sr. Technical Officer (2)/Group III (5) and further to pay arrears of pay and allowances attached to that post. The said OA was disposed of on 20.12.2019 observing that the facility of regularization was available to only to Class IV employees that too subject to certain conditions and the question of regularizing the services of the applicant does not arise.

2. The applicant approached the Hon'ble Delhi High Court by filing W.P. (C) No. 13926/2019. Through an order dated 06.02.2020, the said Writ Petition was disposed of with an observation that if the post is advertised, the applicant shall be extended the benefit of age relaxation to the extent of the length of adhoc service, and if a request is made for regularization, the same shall be considered. It was also observed that if the request is rejected, it shall not constitute any fresh cause of action.



3. Through an order dated 31.03.2021, the CSIR disengaged the applicant from service with immediate effect. This OA is filed challenging the said order.

4. The applicant contends that the impugned order is contrary to the observations made by the Hon'ble High Court and that he is entitled to be continued in service till the regular selection takes place. He has also taken the plea that adhoc employees are not discontinued, during Covid pandemic.

5. Today we heard Ms. Jasvinder Kaur, learned counsel for the applicant and Mr. Praveen Swaroop, learned counsel for the respondents.

6. It was way back in the year 2009, that the applicant was engaged on adhoc basis for a period of six months, and ever since then, it was being extended. The applicant wanted his services to be regularized. That plea was not accepted in OA.1787/2019. In the Writ Petition, the Hon'ble High Court observed that the applicant shall be extended the benefit of relaxation of age limit, if a regular selection is made. Another observation was that if he makes a representation for regularization, the same shall be taken into consideration.



The observation made by this Tribunal that the service of the applicant cannot be regularized assumed finality, since the Hon'ble High Court did not interfere with the same. It is a different matter that the benefit of relaxation of age limit was directed to be extended to the applicant as and when the regular appointment takes place. It is not mentioned that any notification was issued for regular appointment.

7. The necessity to continue the adhoc employee, would depend on the existence of work. However, one adhoc employee cannot be replaced by another adhoc employee. The applicant does not contend that he was replaced by any adhoc employee. Much would depend upon the existence of work.

8. We do not find any illegality in the impugned order. The OA is dismissed accordingly. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Lg/rachna/ankit/sd