Court no.1
Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Original Application No. 2 of 1987.

Lila Dhar Paliwal   ....   Applicant.

Versus

Welfare Commissioner Allahabad
and another   ....   Respondents.

Hon'ble D.S.Misra-AM
Hon'ble G.S.Sharma-JM

          (Delivered by Hon'ble D.S.Misra)

        In this application under Section 19
of the Administrative Tribunals Act XIII of 1985,
the applicant has prayed for a direction to the
respondents not to terminate his services from
11.1.1987. The applicant claims that he has
been working on the post of Stenographer Group-D
in the office of the Welfare Commissioner,Labour
Welfare Organisation,Allahabad, under the Ministry
of Labour,Government of India since 15.3.1985 on
an ad hoc basis and that he was entitled to be
regularised on this appointment as he was appointed
to the post of Stenographer after proper selection.

        2.A show xxuxx notice was issued to the
respondents to show cause as to why the petition
be not admitted and the prayer for interim relief
be not granted. On the last date of hearing, the
applicant filed an application,in which it was
stated that the respondents were going to hold

an interview on 6.2.1987 for making a selection
for the post held by him and that the applicant
had not been even called for this interview. In
this application a prayer was made that the
respondents may be directed not to hold the
interview on 6.2.1987 and allow the applicant to
continue on the post of Stenographer Group-D till
further orders of the Tribunal.

3. The respondents filed counter-affidavit
in which it is conceded that the applicantwas
appointed purely on an ad hoc basis on 15.3.1985
as a Stenographer Group-D for a period of 45 days
and it was made specifically clear that the
appointment will not confer any right for regular
appointment/promotion/confirmation under the
Labour Welfare Organization. It is also stated
that the term of the petitioner was extended from
time to time with break in the service and the
last extention of the term of the petitioner is
upto 10.2.1987. It is also stated that in response
to an advertisement No. 49/86 dated 6.12.1986
applications for filling the post held by the
applicant were invited through the local/nearest
Employment Exchange and the names of 20 candidates
from all over India have been received and these
candidates have been called for interview to
be held on 6.2.1987. The name of the petitioner
is not included in the list of those candidates
sent by the Central Employment Exchange New Delhi
and it is thus evident that the petitioner has

not made any application to the Employment Exchange
and so the petitioner is not entitled for interview
to be held on 6.2.1987. It is stated that if the
stay prayed for is granted, the department will
suffer irreperable injury as the interview letter
has been issued to all the 20 candidates appearing
from all over India on 6.2.1987 and it is not all
possible to postpone the date of interview.

4. We have heard learned counsel for the
applicant. We have considered the prayer contained
in the supplementary application for staying the
interview proposed to be held on 6.2.1987 and we
are of the opinion that an order of stay would cause
avoidable inconvenience to the candidates and also
may cause financial loss to the Government. The
claim of the applicant for regular appointment will
be adjudicated later and if it is established that he
should be deemed to have been appointed on a regular
basis to the post held by him, his grievance would
be ameliorated . We also feel that it would not be
in the public interest to stay the interview being
held on 6.2.1987 and it would be sufficient if the
respondents are directed not to declare the result
of the interview in respect of the post held by the
applicant and not to make any appointment on the
basis of this interview on the post held by the
applicant until the final disposal of the original
application. The respondents are directed accordingly.

A.M. 5.2.87

J.M. 5/2/87

Dt/5.2.1987

JS