

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration O.A.No. 1000/87

R.S. Sial .... .... .... .... .... .... Applicant

Vs.

Union of India & Others .... .... .... .... Respondents

Hon'ble Mr.Justice U.C.Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon.Mr.Justice U.C.Srivastava, V.C.)

The applicant who was appointed as Scientist-B in the Defence Research and Development Organisation, Ministry of Defence, New Delhi has approached the Tribunal challenging the order dated 29 September, 1984 terminating his services from the post of Scientist-B grade by the Director, Scientific Analysis Group Delhi. The applicant made a representation against the said termination order on 1st Nov., 1984 and thereafter reminders were sent on 1.6.85, 2.1.86 and 2.1.87. But failing to get any reply he filed this application.

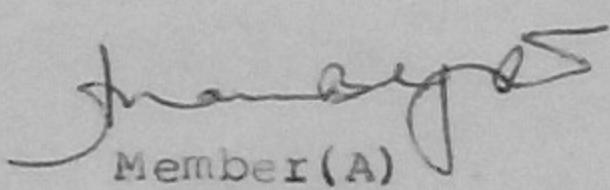
2. The applicant after <sup>passing</sup> the Engineering in Computer Science from Moti Lal Nehru Regional Engineering College Allahabad was selected by the Selection Board and was given an appointment letter on 18.6.1982 on the post of Scientist-B for a period of one year in the Defence Research and Development Organisation under the Ministry of Defence. The appointment letter indicates that the applicant was being appointed by the President on a temporary post of Scientist-B (A gazetted group A Post) and the appointment letter also indicated that he was being appointed on ad-hoc basis for a period of one year against a vacancy being reported to the Union Public Service Commission for recruitment, and that he may also apply for the post in response to UPSC Advertisement for the post or for another identical post which may be advertised by the Commission for Defence Research and Development Organisation well before the expiry of period of one year. His continuance in Govt.

Service beyond the period of one year will be subject to his selection by the Commission. The appointment of the applicant was extended for a period of six months on 6th October, 1983 which expired on 20th April, 1984. The applicant was not given any copy of the said extension. According to the applicant the appointment was on probation and this probationary period was not extended, but another extension was given to the applicant which expired on 30th September, 1984. Thereafter this period was not extended. Although other candidates who had joined alongwith the applicant were regularised, and the applicant has given the name of his batchmates Sri D.S. Gurutani and Miss Anu Saigal who were very juniors to him yet they were regularised. Although the applicant made reference of certain oral discussion with certain Officer but those Officers are not valid and it is difficult to accept such oral pleads.

3. The respondents have tried to justify the non-extension of the applicant's period and have also prayed for dismissal of the application on the ground that it is barred by time. It has been stated by the respondents that the appointment of the applicant was only on adhoc basis for a period of one year and it was only extended from time to time. From the terms and conditions of the appointment letter which contains a number of conditions it appears that the word 'Probation' was mentioned but the appointment of the applicant was not on probation and it was the appointment only on adhoc basis for a period of one year. It has been further stated by the respondents that the applicant could not qualify for the post of Scientist 'B' through the Union Public Service Commission within the prescribed period of one year. His adhoc appointment was extended in two spells to enable him to compete alongwith other candidates and get himself

selected, and those who were appointed they have passed the selection conducted by the U.P.S.C. and that is why they were regularised, and the applicant not having been found suitable by U.P.S.C. he was not selected.

4. It is not a case of discrimination. Obviously the applicant was out of service for the last 8 years, and the appointment of the applicant was the adhoc appointment for a period of one year, which was extended from time to time. The condition in the appointment letter indicates that he would have to undergo the process of selection of Union Public Service Commission for regularisation and after passing the selection by U.P.S.C. he could get the regular appointment. The applicant made efforts for the same but he failed, and as such he cannot claim that he may be regularised. It is for the respondents to regularise him by referring the matter with the U.P.S.C. which is still open for them, and it is for the applicant to approach the respondents in view of his qualification and experience gained to take back him <sup>in service</sup> or to regularise him. With the above observations the application is dismissed. No order as to costs.

  
Member (A)

  
Vice-Chairman.

24th January, 1992, Alld.

(sph)