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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

O.A.NO.1372 of 1988

Dr.(Mrs) Kanwaljit ... .. Petitioner

Versus

Union of India through Sec.Ministry of ... Respdts.  
Defence. & others

Hon'ble A. Johri - A.M.

Hon'ble G.S.Sharma - J.M.

( Delivered by Hon'ble A.Johri )

By this application made under section 19 of the Administrative Tribunal Act XIII of 1985, the applicant, Dr. (Mrs) Kanwaljit, who is working as short-term<sup>3</sup> Medical Officer in the Ordnance - Factory at Kanpur, has come up with a prayer that a direction be issued to the respondents to regularise the applicant on the post of the Medical Officer in the grade of Rs.2200 - 4000 from the date of her joining service and also award the monetary benefit with regard to the annual increments that the applicant is entitled to receive from the respondents taking into consideration the length of service of the applicant.

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The applicant's case is that she was appointed as short-term Medical Officer initially on 18.6.87 for a duration of 6 months. Thereafter further appointment orders were issued, each one lasting for 6 months, and the last appointment order has been issued on 11.8.1988 again for a period of 6 months from back date and the appointment is going to expire on 20<sup>3</sup>/<sub>12</sub>.8.1988. The

applicant has further said that there are a number of doctors at Kanpur and at various places in each part of <sup>of the country</sup> India including Jabalpur who had been appointed as short term Medical Officers and the practice for making appointments for 6 months and renewing the same after the expiry for another 6 months is being adopted. According to the applicant discrimination is being made against her. The applicant is claiming that her appointment cannot be considered on ad hoc basis, in view of the fact that ad hoc appointments are made only for a specific period, on a temporary post which is created also for a specific period, or they are made in leave vacancies etc.

3. We have heard Sri V.K. Burman, learned counsel for the applicant, and Sri K.C. Sinha, learned counsel for the respondents. The submission made by Sri K.C. Sinha was that some regularly selected persons are being posted to the Kanpur Factory shortly and, therefore, the administration had to make this appointment for the short periods, and the applicant's services will be terminated even if she is given an appointment for the next 6 months on the arrival of the regularly selected appointee. Sri Burman, on the other hand, contends that since the applicant has been working for a long time she has claimed <sup>to</sup> to be regularised against the post.

4. It is not under dispute that the applicant was given the appointment on a purely ad hoc short term basis and that it is not a regular appointment. It is also not disputed that the filling up of the post on a regular basis has to be done by following a proper procedure meant for making regular appointments because selections for such appointments are made by the Union Public Service Commission. Therefore, the contention made by the learned counsel for the applicant that she should be considered for regular appoint-

ment will have no force. Therefore, the prayer of the applicant that she should be considered as having been regularly appointed is liable to be rejected.

5. We have gone through the contents of the application and we feel that this application can be finally disposed of without waiting for a reply from the respondents. In Rajbinder Singh v. State of Punjab and others (1988 S.C.C. (L&S) 853), where the petitioner in that writ petition was an ad hoc lecturer and was appointed for a term and had a grievance that he is likely to be removed from service, so that he may be deprived of his vacation salary because it appeared that the practice of the respondents was to appoint fresh people every time, the Hon'ble Supreme Court referring to <sup>Writ</sup> petitions No. 125 of 1987 and 317 of 1987 where they had allowed the ad hoc teachers to continue in service until persons regularly selected by the Punjab Service Commission were appointed to the post, had observed that the respondents ought to have extended the benefit of that order to all other ad hoc lecturers. The Hon'ble Supreme Court further observed that the petitioner and other similar <sup>ad hoc</sup> teachers will be entitled to the benefit of the order made in those petitions. The ratio of this observations was that the practice of making short term appointments to deprive the teachers of the vacation salary by giving them a fresh appointments <sup>ad hoc</sup> after the vacation was incorrect. <sup>ad hoc</sup> This ratio will be equally applicable to the case of the petitioner, who is also being deprived of continuation in ad hoc service by the short term appointments of six months duration each.

6. In view of the above ratio we direct that the respondents, who should be sent a copy of this petition along with this order, will allow the applicant to continue

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on the post till she is replaced by regularly selected appointee or till the date the post exists whichever is earlier. This application is disposed of accordingly.

*J. M.*  
J. M.

Dated: December 14, 1988.

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*शुभम मौर्य*  
MEMBER (A).