

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

D.A.No.986 of 1992

Manoj Kumar

...Applicant

Versus

Union of India & others ...Respondants
Through the Secretary, Ministry of Law, New Delhi
Hon. Mr. Justice U.C.Srivastava, V.C.
Hon. Mr. V.K.Seth, A.M.

(By Hon. Mr. V.K.Seth, A.M.)

The applicant was appointed as L.D.C. in the pay scale of Rs.950-1500/- vide letter dated 12.4.19 issued by the Assistant Registrar, Income-Tax, Appellate Tribunal Bench, Allahabad. As the name of the applicant was sponsored by the Employment Exchange, the respondent directed the applicant to appear for interview on 7.4.1989 for the recruitment to the post of LDC on adhoc basis specifying that the said recruitment is to be made on adhoc basis for a period of three months. The applicant after success in the interview and written test, the applicant was appointed to the post of LDC and the said appointment of the applicant was extended, from time to time with breaks, up to 11.11.1991, When he was relieved and there after was not given employment on 11.11.1991, The applicant submitted a representation dated 14.11.1991 to respondent no.2 namely Registrar Income Tax,

Appellate Tribunal Bombay requesting him to employ the applicant. But respondent no.2 informed the applicant that his request could not be accepted as the regular vacancies of L D C are being filled up by the nominees of the staff selection commission. The applicant however submitted another representation dated 13.12.91 requesting for employment and also met the respondent no.2. Vide order dated 16.12.91 signed by the Assistant Registrar he was again offered appointment for a period of 3 month w.e.f 1.1.92 but the same was cancelled vide his order dated 24.12.91. The applicant therefore submitted his detailed representation to the President Income Tax Appellate Tribunal New Delhi on 29.11.91 and had not received any reply.

Feeling aggrieved, the applicant has approached this tribunal.

2. The applicant has prayed for directions to the respondents to allow him to work continuously on the post of L D Cs and to consider him for regularisation on the post of L D Cs as no person selected by the staff selection commission is available and he had already worked for about three years and fully fills all the qualifications

and, therefore, he should be treated in ^{your} continuance service from the date of his initial appointment. The applicant has also prayed for interim relief directing the respondents to allow him to work on the post of L.D.C during the pendency of the case and grant ^{not} him all consequential benefits which was granted.

3. In his application the petitioner has asserted that making short term appointment of the applicant and terminating the same despite existence of substantive and permanent vacancies, was done with a view to deprive him of the benefit of continuous service, and claimed that the action of the respondent ~~is~~ violated the Articles 14, 16 and 21 of the Constitution. He also referred to a case of Dr. A.K.Jain decided by the Supreme Court. He has also cited in support of his application case of Dr.Prem Lata Chaudhary vs. ESIC, A.T.C. 879 decided by this Tribunal. Case of Atal Behari Shastri versus State of U.P. ~~xxx~~ 1992(2) Current Service Journal case 151, case of Sumeti P.Shera versus Union of India and others, A.I.R. 1989 S.C page 1431 and also the case of Shrilekha

Vidyarthy versus State of U.P. A.I.R. 1991 -

SC 537.

4. The respondents have opposed the application on various grounds. They have stated that the interview, written examination of the applicant was for the purpose of Ad-hoc appointment and was not according to the norms prescribed by the Staff Selection Commission. They also state that the Staff Selection Commission on 28th January 1992 intimated that the aforesaid vacancies had been withheld by the Central Surplus Cell and direction was given not to fill the aforesaid vacancies through other channels. The service of the petitioner was discontinued as only one bench was functioning and no work was available for him. One U D C was also transferred from Income-tax Appellate Tribunal Bombay to Allahabad. They also asserted that the candidates were being nominated by the Central Surplus Cell. Respondents also stated that since now two Benches of the Income-Tax Tribunal are functioning at Allahabad, they have again sent a requisition to the Employment Exchange

and had also sent to the petitioner that an interview for the purpose shall be held issued under certificate of posting. They also point out that in the similar circumstances, this Tribunal had rejected the petition filed by Shri M.L.Kushawaha (O.A.No.149/1992 vide his Judgment dated 25th February 1992).

5. In his supplementary affidavit he has alleged that one Yashwant Shukla initially appointed in December 1990 is still working.

6. We have gone through the record of the case. It is quite clear that the appointment of the applicant was made on ad-hoc basis and there is nothing in the order giving him assurance for regularisation and absorption. As such he does not have a right for the same. The question of violation of the provisions of the Constitution does not arise unless he had vested right which in the present case, he obviously did not have. The absence of any reason in the termination order, therefore, does not vitiate it in any way.

7. In this connection a reference may be made to the observations by the Supreme

Court in case of Union of India and others vs.
E.G.Namboodri 1991(38) S.C.60 the effect that the
order does not adversely effect any vested right
or involves civil consequences Administrative
Authority is not required to record his reasons
in absence of any statutory provision requiring
communication of reasons.

8. Thus, the termination order issued by the
respondent can not be said to be ~~violated~~ of the
principles of natural justice. We, therefore, ~~do~~ do
not find any force in the petition and the same is
dismissed accordingly. No order as to the cost.

W.S.
MEMBER (A)

L.
VICE CHAIRMAN

DATED: 5-5-93

(Is)