

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

CIRCUIT SITTING AT NAINITAL

THIS THE 21ST DAY OF OCTOBER, 2002

Original Application No.505 of 2000

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER (A)

Jagat Singh Rawat,
Son of Shri Vikram Singh Rawat,
R/o Village Aleth, P.O. Manpur
District Uttar Kashi

(By Adv: Shri N.S.Negi)

.... Applicant

Versus

1. Union of India through Secretary
Ministry of Human Resources and
Development, New Delhi.
2. Assistant Commissioner,
Kendriya Vidyalaya Sangathan
Dehradun Region, Dehradun
3. Principal, Kendriya Vidyalaya
Uttar Kashi.

.... Respondents

(By Adv:Shri N.P.Singh)

Alongwith O.A. No.362 of 2900

Krishan Lal, son of Sri Nanku Ram
R/o Village Nakuri, post Raturishera
District Uttar Kashi.

.... Applicant

(By Adv: Shri N.S.Negi)

Versus

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2. Assistant Commissioner
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.... Respondents

(By Adv: Shri N.P.Singh)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

The facts of the case are that applicants were
appointed as P.R.T.Teachers on adhoc/temporary basis
w.e.f. 5.11.1999. They continued to discharge the

duties. In the meantime, an advertisement was published on 23.2.2000 inviting applications for appointment of PRT teachers against 8 posts. Before the selection could be finalised, ~~however~~ six teachers joined on the basis of ~~know~~ transfer as they were rendered surplus on closure of the kendriya vidyalaya, I.D.P.L. Rishikesh. Thus, only two posts were left.

The respondents in the counter affidavit have stated that in pursuance of the advertisement selection committee recommended the names of Ms. Manisha Makeja and Ms. Sadhna Vijalwan who have been appointed as PRT teachers on contractual basis.

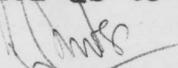
Learned counsel for the applicant has submitted that as the applicant was already appointed on contractual basis as regular selection could not take place, he should have been continued and appointment of Manisha Makeja and Sadhna Vijalwan is illegal. The basis for the aforesaid submission is that one adhoc arrangement could not be substituted by another adhoc arrangement.

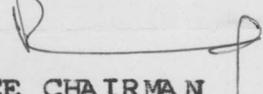
On the other hand, Shri N.P. Singh learned counsel for the respondents submitted that the advertisement dated 23.2.2000 was for 8 posts. Out of 8 posts 6 were filled by transfer and selection took place only with regard to two posts. However, applicants did not apply for appointment and they straight-away challenged the advertisement itself by filing the OA. It is submitted that in 1999 applicant was appointed alongwith four others as PRT teachers on temporary basis. As only two posts were left to be filled, a selection was required to be made from ^{among} the PRT teachers who were already serving on temporary basis

but as the applicants ~~were~~ failed to apply for consideration, their claim could not be considered by Selection Committee and the appointment was given to Manisha Makeja and Sadhna Vijalwan.

We have carefully considered the submissions of the ~~the~~ counsel for the parties. There is no doubt about the legal position that one adhoc arrangement cannot be substituted by another adhoc arrangement but in the present case the situation is different. Five teachers were appointed on adhoc basis in 1999. Selection on the basis of the advertisement dated 23.2.2000 was confined to only two posts as the remaining six posts were filled by transfer of teachers ~~rendered~~ who were ~~under~~ surplus. In the circumstances, out of five teachers management was to select two remaining posts. As the applicants failed to apply for consideration of appointment, they cannot raise ~~now~~ ^{objection} claim ~~now~~ that they have been ignored. We do not find any kind of illegality so far the advertisement is concerned quashing of which has been sought in the present OA. In the circumstances, applicants are not found entitled for any relief so far this OA is concerned. However, as they served the institution from 5.11.1999 to 31.3.2000, if occasion comes to engage temporary hands again, their claim may be considered sympathetically.

Subject to aforesaid observation, both the OAs are dismissed. No order as to costs.


MEMBER (A)


VICE CHAIRMAN

~~2000~~

Dated: 21.10.2002

Uv/