

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.989 of 2002.

Allahabad this the 31st day of October, 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr.D.R. Tiwari, Member-A.

Joel Singh
Son of James Singh
Resident of Mission Compound Civil Lines,
Etawah.

.....Applicant.

(By Advocate : Sri B.N. Singh)

Versus.

1. Union of India
through Director of J.N.V. Jawahar Navedaya Vidyalaya
Samiti Indira Gandhi Stadium,
New Delhi.
2. The Deputy Director,
Jawahar Navedaya Vidyalaya Samiti
B-10 Sector Aliganj, Lucknow.
3. The Principal
Jawahar Navedaya Vidyalaya
Samoh, District Etawah.

.....Respondents.

(By Advocate : Sri Vined Swarup)

O R D E R

(Hon'ble Mr.Justice R.R.K. Trivedi, V.C.)

By this O.A., filed under section 19 of A.T. Act 1985,
the applicant has challenged the order dated 17.08.2002
(Annexure A-6) by which the engagement of the applicant
as driver has been terminated on completion of contract
period on 19.08.2002.

2. Learned counsel for the applicant has filed supplementary
rejoinder affidavit annexing therewith, the copy of the
notification dated 30.12.2000 by which the applications



were invited for regular appointment as driver. It is submitted that the applicant had applied for appointment as driver in pursuance of the aforesaid notification. Thereafter Selection took place and on recommendation of Selection Committee, appointment was given to the applicant. However, it was mentioned in the appointment letter that the appointment shall be on contract basis for a period of one year and after expiry of the said period, the services of the applicant has been terminated by the impugned order. It is submitted that the appointment of the applicant ^{was} ~~was~~ on regular basis and it could not be terminated in manner it has been ^{done} ~~done~~. Reliance has been placed by the learned counsel for the applicant on the judgment of Hon'ble High Court in case of Rajeev Verma and others Vs. State of U.P. and others 1999 (2) A.T.J 356.


3. Learned counsel for the respondents, on the other hand, submitted that it is true that selection, initially was started for regular appointment on the basis of notification dated 30.12.2000. However, before the selection could be completed and appointment order could be passed, the Government of India imposed ban on the appointments as a matter of policy. Hence, the applicant was given appointment on contract basis for the period of one year. On completion of contract period, his services came to end automatically. Reliance has been placed on the judgment of Hon'ble Supreme Court in case of U.P.S.R.T.C and Others

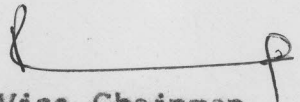
R. S. P.

Vs. Vijay Kumar Gupta, J.T. 2001 (10) SC 564. In this case Hon'ble Supreme Court has said that where before letter of appointment could be issued, State imposed ban on appointment, High Court could not interfere with the policy decision. The order of High Court was set aside which directed to give appointment. Another judgment of Hon'ble Supreme Court in similar circumstances is in case of State of A.P. and others. Vs. D Dastasiri and others (2003) 5 SCC 373. In this case also Hon'ble Supreme Court has said that even if selection process is complete when the Government decided as a matter of policy not to make any appointment, recruitment process stand cancelled and the selected candidate do not get any vested right to claim appointment.

4. We have carefully considered the submission made by learned counsel for the parties. In our opinion, judgments of Hon'ble Supreme Court in case of U.P.S.R.T.C and Ors (Supra) and State of A.P. and others (Supra) are squarely applicable in the present case. Applicant can not claim vested right for appointment on the ground that the selection was initiated for appointment on regular basis.

5. In the circumstances, we do not find the applicant is entitled for any relief. The O.A. is dismissed with no order as to costs.


Member-A.


Vice-Chairman.

Manish/-