

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 140 of 2003

Allahabad this the 19th day of February, 2003

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj Gen K.K. Srivastava, Member(A)

A jayanand Dwivedi, aged about 22 years, S/o
Shri Krishnadutt Dwivedi, R/o Village & Post-
Harduwa, Tehsil-Karchana, District-Allahabad.

By Advocate Shri Rakesh Verma Applicant

Versus

1. Union of India through the Secretary,
Ministry of Defence, New Delhi.
2. The Chief Director(Raksha Sampada) Central
Command, Lucknow Cantt., Lucknow.
3. Raksha Sampada Adhikari, Allahabad Division
Allahabad.

By Advocate Shri G.R. Gupta Respondents

ORDER (Oral)

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

The applicant has approached this Tribunal
by filing O.A. under Section 19 of the Administrative
Tribunals Act, 1985 for a direction to the respondents
not to interfere in the working of the applicant as
casual Chowkidar till a regularly selected person joins
the post.

2. The facts of the case are that the
applicant was issued a call letter dated 07.11.2002
for appearing before Defence Estate Officer for being

selected for appointment as casual Chowkidar. The applicant was selected and by order dated 21.11.02 he was appointed for 89 days as casual Chowkidar. The term of aforesaid appointment ~~order~~ is coming to end on 20.02.2003. The grievance of the applicant is that respondent no.3 is indulging in practice of making ad hoc appointments after every 3 months and every time making fresh appointments though regular selection has not yet taken place. The legal position in this regard is well settled now that once an ad hoc arrangement is made, it cannot be substituted by another ad hoc arrangement. Normally once ad hoc arrangement is made, it should be continued until regular selection is completed for appointment against the post. We may cite with advantage the Judgment of Hon'ble Supreme Court in the case 'State of Haryana Vs. Pyara Singh & Others 1992 S.C.C.(L&S)825. Para-46 of the Judgment reads as under;

"Secondly, ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee; he must be replaced only by a regularly selected candidate. This is necessary to avoid the arbitrary action on the part of appointing authorities."

In the present case the views^u expressed by the Hon'ble Supreme Court is squarely applicable. The applicant is, thus, entitled for the relief^u to this extent.

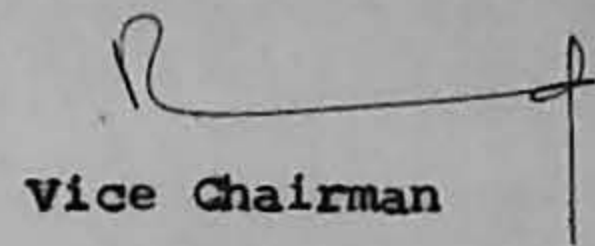
3. The O.A. is accordingly disposed of at the admission stage with the direction to the respondent no.3 ^{That if work is there} to allow the applicant to continue

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on the post of casual Chowkidar until a regularly
selected candidate becomes available. In other words
the ad hoc arrangement made by appointing the applicant,
shall not be substituted by another ad hoc ^{engagement}. No order
as to costs.



Member (A)



Vice Chairman

/M.M./