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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 11 of 198⁶
T.A. No.

DATE OF DECISION 14-8-86

MR. N. NARAYAN REDDY Petitioner

MR. GIRISH PATEL Advocate for the Petitioner(s)

Versus

UNION OF INDIA AND ORS. Respondent

MR. J. D. AJMERA Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. H. TRIVEDI (VICE CHAIRMAN)

The Hon'ble Mr. P. M. JOSHI (JUDICIAL MEMBER)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *Yes*
4. Whether it needs to be circulated to other Benches of the Tribunal. *No*

JUDGEMENT

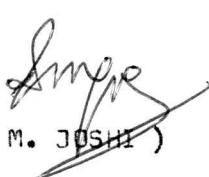
The applicant Shri N. Narayan Reddy, working as a Senior Hindi translator, on adhoc basis, in the office of the Director, Small Scale Industries, Ahmedabad, has filed this application for restraining the respondents from terminating his services and setting aside the termination order, if any. He has also sought the relief that the respondents be directed to regularise the applicant's service to the post of Senior Hindi translator. It was inter-alia contended that the action of the respondents in not considering his case and in not considering his representation and not regularising his services to the post of Senior Hindi translator is arbitrary and violative of article 14 of the Constitution of India.

2. Pending admission and before granting ad-interim relief notices were issued to the respondents. In reply thereof, Mr. J.D. Ajmera appeared on their behalf. While opposing the application, he vehemently contended that the nature of the tenure of the post held by the applicant, was only for a limited period, and it was done on adhoc basis. In his admission, such and other contentions raised by the applicant in Special Civil Application no. 4304 of 1985, had been considered by Hon'ble Mr. Justice S.C. Shah, and it were summarily rejected, holding that the applicant had no right to continue on the same post.

3. Mr. Girish Patel, the learned counsel for the applicant, however, strenuously urged that the action of the termination of the services of the applicant on the part of the respondent and the appointment of fresh recruit, would be violative of article 14 and 16 of the Constitution of India, 1950. In support of his submission he has relied on the case of Dr. S. C. Kaushik vs. Union of India and Ors. (21 G.L.R. page 997). ~~.....~~ The principle enunciated in the said case, is not applicable in the present one. In the said case, a Medical officer, serving for more than 5 years, was replaced by a fresh recruit, who had also not passed the selection examination. In the instant case, firstly there is no order of termination of services passed by the respondent and

his application, therefore, would be liable to be summarily rejected, as he has no valid cause of action or grievance which may entitle him to approach this tribunal. Secondly, it is not the case of the applicant that any fresh recruit, not selected by the UPSC, has been inducted in his place.

4. It is conceded by Mr. Girish Patel, the learned counsel for the applicant, that one of the terms of the appointment of the applicant was that "it was on adhoc for a period of six months or until UPSC nominees ^{to reasons assigned in the} joins, whichever is earlier". In view of the order passed in Special Civil Application no. 4304 of 1985, the action of termination of the services which may be taken by the respondents, cannot be assailed. In case, the respondents decide to keep the post vacant till the candidate is selected by the UPSC, and takes over the charge, they would be within their rights. But in the event of a post being required to be filled on adhoc, the applicant should be first offered it. Admittedly, the applicant has not been selected by the UPSC, and if he is replaced by another, who has been selected by the UPSC, it would be in accordance with the principle and policy. There is no attempt on the part of the respondents to recruit any fresh candidate who has not been selected by UPSC, in his place. The contentions, therefore, canvassed by Mr. Girish Patel, in this regard, merit no consideration whatsoever. The application therefore, stands dismissed with no order as to costs.


(P. M. JOSHI)

JUDICIAL MEMBER


(P. H. TRIVEDI)

VICE CHAIRMAN