

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH**

**O.A. 326/91** with M.A. 352/91

**DATE OF DECISION :- 30.11.99**

Mrs. Rajasree Raghu : Petitioner [s]

Mr. K.K. Shah : Advocate for the petitioner [s]

Versus

Union of India & ors. : Respondent [s]

Mr. B.N. Doctor Advocate for the Respondent [s]

**CORAM**

<b>THE HON'BLE MR.</b>	<b>V. RAMAKRISHNAN</b>	<b>VICE CHAIRMAN</b>
<b>THE HON'BLE MR.</b>	<b>A.S. SANGHAVI</b>	<b>MEMBER [J]</b>

**JUDGMENT**

1. Whether Reporters of Local papers may be allowed to see the judgment? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal? ✓

Mrs. Rajasree Raghu  
Add: 4-B Ohm Society,  
Nr. Slum Quarters,  
P.O. Behrampura,  
Ahmedabad.

Applicant

Advocate Mr. K.K. Shah

Versus

1. Union of India, Through :  
Principal Information Officer,  
Press Information Bureau,  
Govt. of India, Shatri Bhavan,  
New Delhi.
2. Information Officer,  
Press Information Bureau,  
CGO Building Annexe,  
101, M.K. Road,  
Bombay.
3. Dy. Principal Information Officer,  
press Information Bureau, Govt. of India,  
Akhandanand Halal,  
Bhadra area, Ahmedabad.

Respondents

Advocate Mr. B.N. Doctor

**ORAL ORDER**  
**IN**  
**O.A.NO.326/91 WITH M.A.352/91**

Dt. 30.11.99

Per Hon'ble Mr. V. Ramakrishnan

Vice Chairman

We have heard Mr.K.K.Shah earlier but he is not present today. The matter was adjourned on a number of occasions as Mr.Shah has filed leave notes. As we have heard Mr.Shah earlier and as it is a 1991 matter, we propose to dispose of the matter after going through the material on record.

2. The applicant has sought the following reliefs:-

"[A] This hon'ble Tribunal may be pleased to quash and set aside the order dated 26.8.1991 and as a consequence the oral termination with effect from 11.9.91 and direct the respondents to consider the case of the applicant for regular absorption with all consequential benefits by allowing this application with costs.

[B] Any other order or direction may be deemed fit in the interest of justice may be passed."

3. The reference to oral termination dated 11.9.91 is however, not clear as the O.A. was filed and registered by the Registry on 9.9.91 itself. However, the letter dated 26.8.91, as at Annexure A/6 is a general letter addressed to candidates who are sponsored by the employment exchange to appear for short hand and typing interview etc. for the purpose of recruitment to the post of

Stenographer [ Jr.] on ad hoc basis. The applicant had contended in the O.A. that she was continued on provisional basis all along till 11.9.91 [ even though the O.A. is filed on 9.9.91] and that the action of the department in replacing her by another ad hoc appointee instead of continuing her is not proper and should be quashed and set aside. The department had taken a stand that she was appointed on ad hoc basis on a vacancy which arose when the regular incumbent had gone on deputation. Pursuant to our directions, the department had filed a further reply dated 11.9.98 where they have brought out that one Kum. Mainak Pasawala is working on the post on ad hoc basis and this would be continued till the post is filled up through the regular procedure.

4. The main contention of the applicant was that as she was appointed on ad hoc basis from 1988 onwards, her services should have been continued and she should not be replaced by another ad hoc appointee. The department has taken the stand that the applicant was engaged initially for a period from October 1988 for a period of five months where her services were terminated. Mr. Doctor however, draws our attention to the letter dated 26.8.91, as at Annexure A/6 which is addressed to Shri Ram Mohan Rao, Principal Information

Officer in which the applicant herself has admitted that she had worked as an ad hoc employee for first five months only and then onwards as on daily wages and on page basis. We may reproduce an extract from this letter as under:-

" I hereby humbly request your honour to consider my name in the candidates who are called for the interview as I am working on the same post from October 1988 onwards. I was employed through Employment Exchange and I worked as on ad hoc employee for first five months and then onwards till now as on daily wages and on page basis."

5. Mr.Doctor says that the admission of the applicant substantiates the stand of the department that the applicant was appointed on ad hoc basis and her services were terminated on 28.2.89 . Mr.Doctor further submits that till the post was filled up on regular basis, the department took action to call for candidates to be sponsored by the employment exchange who knew stenography and consequently the notice dated 26.8.91, was issued as the applicant did not know stenography and could do only typing. Mr.Doctor

18



submits that the department was in need of a qualified Stenographer and till action was taken to engage such a Stenographer, the applicant who knew only typing was engaged.

6. We find force in the submission of Mr. Doctor and particularly in view of the admission of the applicant that she had worked on ad hoc basis only for five months. We find from the letter dated 26.8.91 which is addressed to the candidates sponsored by the employment exchange that the issue involved is recruitment for the post of Stenographer on ad hoc basis. It is not the case of the applicant that the department refused to consider her. She does not claim that she made a request to the department along with candidates sponsored by the employment exchange for the post of Stenographer that she also should be considered or allowed to take stenography test but the same was rejected. What she has challenged is the notice dated 26.8.91 asking the candidates sponsored by the employment exchange to appear for the recruitment to the post of Stenographer.

We find from para 5.10. of the reply statement that she has not been qualified for the post of Stenographer as she had no knowledge of stenography.

There is no denial of this averment in the rejoinder filed by the applicant. In the circumstances, the department cannot be faulted for sending the requisition to the employment exchange to sponsor the candidates for the post of Stenographer and asking them to appear in the stenography test as sought to be done by the impugned notice dated 26.8.91.


7. We also note that the main thrust of the applicant's case is that she was continued on ad hoc basis right till September 1991. This has not been borne out in view of the clear admission by the applicant herself that she has worked as an ad hoc employee only for five months and then she continued to work onwards on daily wages and on page basis. If she was aggrieved by the termination of ad hoc services, she should have taken appropriate steps at the relevant time, soon after 28.2.89. She has not done so.

8. In the light of the foregoing discussion and in the context of the admission of the applicant herself that she has worked only as ad hoc employee for a period of five months, from October 1988, we find no merit in the O.A.

62

which is dismissed with no order as to costs.

9. In the light of the disposal of the O.A.,  
M.A.352/91 does not survive and is disposed of.

  
[ A.S.SANGHAVI ]  
MEMBER [J]

  
[ V.RAMAKRISHNAN ]  
VICE CHAIRMAN

S.Solanki