

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

Original Application No. 625 of 1992

Date of Decision: 22.1.1993

Bishnu Bhoi

**Applicant**

## Versus

**Union of India & Others**      **Respondents**

For the applicant

M/s .R .C .Sahu,  
P .K .Das  
K .Swain,  
A .K .Rath,  
Advocates

### For the respondents

Mr. Ashok Mishra,  
Sr. Standing Counsel  
(Central Government)

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR. S. R. ADGIE, MEMBER (ADMINISTRATIVE)

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? NO
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to consider his case for appointment as L.D.C. by quashing the order of retrenchment passed by OP No.2.

2. Shortly stated the case of the petitioner is that he was appointed as a L.D.C. in the Office of OP No.2. His services has been terminated. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that the petitioner was appointed for 89 days temporarily and subject to the condition that as soon as there is a regular selection was conducted and the person found to be The services of the petitioner ~~was~~ dispensed with. was appointed. Hence according to the opposite parties the case being devoid of merit is liable to be dismissed.

4. We have heard Mr.K.Swain, learned counsel for the petitioner and Mr.Ashok Mishra, learned Senior Standing Counsel appearing for the Central Government. Mr. Swain drew our attention to Annexure-5 in which it is stated that there must be a break of four days in the span of the period of appointment and therefore it was contended by Mr.Swain that the petitioner should have been appointed and not ~~any other person~~. It was next contended by Mr. Swain, learned counsel for the petitioner that few days after the retrenchment of the services of the petitioner, communication was made by the concerned authority ~~with~~ the Employment Exchange to recommend suitable names for appointment to the said post on adhoc basis and therefore it was contended that there is no justification in giving ~~the~~ <sup>the</sup> petitioner

an adhoc service. We are of opinion that once a particular incumbent has been selected on regular basis after considering the cases of all the candidates sponsored by the employment exchange, the petitioner has no claim especially when he is found to be unsuitable. Therefore we find no merit in this application which stands dismissed leaving the parties to bear their own cost.

*Anjali 22/1/93*  
MEMBER (ADMINISTRATIVE)

*22.1.93*  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 22.1.1993/ B.K.Sahoo

