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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.848 of 2016

Cuttack this the 2<sup>nd</sup> day of December, 2016

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(I)

P.Simanchal Reddy, aged about 53 years, S/o. late P.T.Reddy, Retired Naik/NA of Army Medical Corps and now serving as Nursing Assistant at ECHS Polyclinic, Bramhapur - residing at Suryanagar, 1<sup>st</sup> Lane, PO-Ankuli, PS-B.N.Pur, Dist-Ganjam

...Applicant

By the Advocate(s)-Ms.P.Nayak  
K.Mohanty

-VERSUS-

Union of India represented through:

1. The Secretary, Ministry of Defence, At-101A South Block Building, New Delhi
2. Managing Director, Central Organisation ECHS, Head Quarter of MOD (Army), Adjutant General's Branch, At-Mandi Lines, Delhi Cantt-110 010
3. Director, Regional Centre ECHS, Ranchi, At-near Sainik Theatre, Ranchi University, PO-Ranchi-834 008, Army:5074
4. Station Commander, ECHS, For OIC ECHS Cell, At-Station Head Quarter, Gopalpur, PIN-900 403 C.o. 99 APO
5. Officer-in-Charge, ECHS Polyclinic, Bramhapur, At-Barrick Street, Gandhinagar, PO-Bramhapur, Dist-Ganjam, PIN-760 001

...Respondents

By the Advocate(s)- Mr.J.K.Nayak

ORDER(Ord)

A.K.PATNAIK, MEMBER(I):

Applicant claims to have been working as Nursing Assistant at ECHS Polyclinic, Bramhapur on contractual basis consequent upon an agreement made by him with the President

*[Signature]*

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of India represented through Respondent-authorities. He has moved this Tribunal being aggrieved by the order of non-recommendation of renewal of contractual appointment. In the circumstances, he has sought for the following relief.

- i) To quash the order under Annexure-8 and 9 passed by the respondent no.5 and 4 respectively.
- ii) To direct the respondent no.4 to approve name of the applicant for renewal of his contractual employment with effect from 9.8.2016 to 8.7.2017 as per Annexure-5 and 6 and as per guideline and allow him to continue till the age of superannuation.

2. Facts in brief are that applicant after his retirement from Army Medical Corps as Naik/NA had been appointed as Nursing Assistant at Ex-Serviceman Contributory Health Scheme (ECHS) in Polyclinic Bramhapur on contractual basis for a period of 12 months with effect from 1.9.2011, based on an agreement made by him with the President of India represented through Respondents concerned. As per the terms and conditions of agreement, fresh contract is to be executed in each renewal and in the process, applicant continued to work as such for a period of five years on contractual basis after his contract being renewed. It is stated that before completion of 5<sup>th</sup> tenure on 6.8.2016, applicant had applied on 1.7.2016 for renewal of his contractual employment from 9.8.2016 to 8.7.2017 to res.no.4 and accordingly, his case was recommended by res.no.5. While the matter stood thus,




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applicant received a letter dated 5.8.2016 in which it is stated that his name has not been recommended as he has completed 5<sup>th</sup> tenure of contractual employment. However, it has been submitted by the applicant that res.no.4 on 20.8.2016 had extended his contractual service for a period of 89 days, i.e., with effect from 9.8.2016 to 5.11.2016 in respect of which a fresh agreement was executed by the applicant with the President of India. Grievance of the applicant is that although he had applied for renewal before expiry of tenure of his employment to res.no.4, but, res.no.4 without considering the same has already taken steps for fresh selection vide letter dated 15.10.2016. Apprehending that lest the respondents should appoint some other person in his place, applicant has moved this Tribunal in the instant O.A. seeking relief as referred to above.

3. I have considered the rival submissions on the question of admission. On a reference being made to A/3 dated 02.10.2014 on the subject ***"Tenure of Contractual Employees at ECHS Polyclinics"***, in Paragraph-4(a) it has been stipulated that ***OIC Polyclinics in and around large cities/military station where adequate number of retired officers are available :- normal tenure of three years, extendable upto a maximum of five years.***

4. As admitted by the applicant in the O.A., he having entered into agreement from time to time, continued to work



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on contractual appointment for a period of five years with effect from 1.9.2011 to 6.8.2016, which however, was extended for a period of 89 days, i.e., with effect from 9.8.2016 to 5.11.2016. Therefore, it goes without saying that applicant has continued on contractual work for a period more than the maximum extendable period of five years, as per the tenure of contractual employees at ECHS Polyclinics. Viewed from this angle, applicant does not have any subsisting right to claim extension of further period of contractual appointment. It is to be noted that applicant's grievance in this O.A. is not directed against any appointment, compassionate appointment or pension or family pension, or where the respondents have violated any of his conditions of service, as the case may be, within the scope and meaning of A.T. Act and Rules. Therefore, applicant being a contractual employee cannot be said to be a holder of civil post in connection with the affairs of the Union, and therefore, his grievance that the respondents by transgressing the letter of law are going to appoint some other person in his place on contractual appointment is out of place and hence, does not stand to reason.

5. For the reasons discussed above, the O.A. is held to be not maintainable and accordingly, the same is accordingly, dismissed. No costs.

  
(AK.PATNAIK)  
MEMBER(J)