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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH,
JODHPUR.

Date of Order: 22.5.95.

D.A. No. 22/95.

Rajendra Kumar ... Applicant.

VERSUS.

Union of India & Ors. ... Respondents.

Mr. K.S.Chauhan- Brief holder for
Mr. M.R.Singhvi- Counsel for the applicant.

Mr. Sunil Joshi- Brief holder for
Mr. J.P.Joshi- Counsel for the respondents.

CORAM :

Hon'ble Mr. N.K.Verma- Administrative Member.

Hon'ble Mr. Rattan Prakash- Judl. Member.

PER HON'BLE MR. N.K.VERMA :

Heard Shri Chauhan brief holder for counsel
for the applicant and Shri Sunil Joshi, brief holder
for counsel for the respondents.

2. The applicant's case is that he had been
appointed by the Superintending Engineer, All India
Radio as Hindi Typist after an interview and was duly
selected for that post having been sponsored by the
District Employment Exchange. The applicant was
appointed on adhoc basis thereafter on 7.11.91.

N.K.Verma

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The appointment order was for adhoc appointment which continued to be renewed from time to time with the stipulation that his services may be terminated at any time without assigning any reason to him. The appointment was terminated on 17.8.92 in the terms of this appointment letter. However, the applicant was again appointed on the same conditions on 26.9.92. This appointment was also terminated on 10.12.92. The applicant has, therefore, been appointed on regular intervals by the Superintending Engineer and now the applicant is continuing on the same adhoc appointment since 18.10.94. He has come up with the O.A. for regularisation of his appointment, since he has become over age and does not stand any chance in appointment through the Staff Selection Commission. The last order dated 18.10.94 again stipulates that his services can be terminated at any time without assigning any reason and he will not have any claim for appointment as Hindi Typist on regular basis on the basis of his adhoc service. Apprehending the termination under these stipulations the applicant has now filed this O.A. for regularisation. The regularisation is based on exemption from passing that selection test conducted by the Staff Selection Commission. It is also seen that the applicant had made a representation to the Director General, All India Radio for regularisation which was recommended by the Superintending Engineer of the All India Radio.

N. K. Patel

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However, an earlier application to this very effect stood rejected by the Director General of All India Radio under their letter dated 18.5.94 that the appointment of the applicant as Hindi Typist may be continued after giving a day's break after every three months for further period of six months or until an S.S.C. nominee joins, which ever is earlier. It was also conveyed therein that it should be made clear to him that he will not have any claim for regular basis on the basis of adhoc services rendered by him.

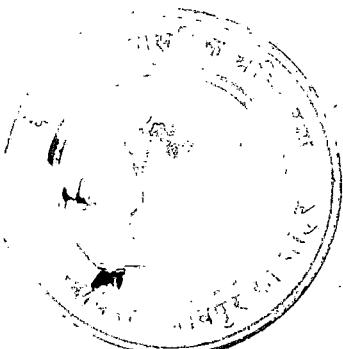
3. In the reply furnished by the respondents, the same position has been confirmed. The learned counsel for the respondents have also quoted ~~says~~ several judgments of the Hon'ble Supreme Court which has discouraged regularisation of adhoc appointments. In the latest judgment of the Hon'ble Supreme Court cited at A.I.R. 1995, S.C. 974, it has been held that mere prolonged continuous adhoc service does not ripen into a regular service to claim permanent or substantive status. In any case in the instant O.A. the applicant had no uninterrupted adhoc service of any length. Right from the beginning he was given to understand that his services on adhoc basis were terminable without any notice. The applicant

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is still continuing in the adhoc appointment and has no cause of action at the moment, apart from the fact that his case does not stand scrutiny ~~on~~ on ~~the~~ merits. The O.A. is, therefore, dismissed at the admission stage.


(Rattan Prakash)

Member (J)

(N.K.Verma)

Member (Adm.)

V.S./S.

Received copy
Sun 8/8/90 -

Copy of order
sent to pet
Regal Advice
No. 303
Clt 6-6-95

Part II and III destroyed
in my presence on 26/12/2000
under the supervision of
section officer (J) as per
order dated 4/9/2000

Section officer (Record)