

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

ORDER SHEET

O. APPLICATION NO. 252 OF 1999

Applicant(s)

Respondent(s)

Advocate for

Advocate for

Applicant(s)

Respondent(s)

Notes of the Registry	Order of the Tribunal
28.10.99	<p>Mr.Kamal Dave, Counsel for the applicant.</p> <p>Heard the learned counsel for the applicant and considered the O.A.</p> <p>The applicant has prayed that appointment of respondent No.4 be declared illegal and applicant being more meritorious should be directed to be appointed with all consequential benefits. It is also stated by the applicant that he has been working in the department since July 1997 and has a right to be appointed in preference to respondent NO.4.</p> <p>We have considered the arguments and the facts of the case. There is nothing on record to show that the applicant was regularly appointed Third Grade Teacher/Post Graduate Trained Teacher. On the contrary as per the documents submitted by the applicant it appears that the applicant was appointed on <u>contract</u> basis from time to time. In other words it can be said that the applicant was casually appointed to discharge the duties of a teacher. There is also nothing to show that the ad hoc appointment or casual appointment is being replaced by another ad hoc appointment or casual appointment. As per the allegation of the applicant the applicant was also allowed to participate in the interview in which the respondent No. 4 was selected and therefore it cannot be said by the applicant that his candidature was not considered and respondent No. 4 was appointed ignoring the candidature of the applicant. In 1992 SCC (L&S) 767 - Director, Institute of Management Development U.P. Vs. Smt.Pushpa Srivastava, Hon'ble Supreme Court has held that the candidates appointed on contractual or on ad hoc basis, has no right to continue on the post and to claim regularisation in service in absence of any rules for regularisation. In the instant case, nothing has been shown by the learned counsel</p>

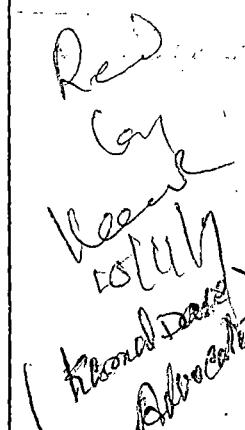
for the applicant that the applicant has a right of regularisation after he has rendered service for a specified period. In view of this the applicant's claim is devoid of merits. The O.A. deserves to be dismissed and is hereby dismissed in limine.

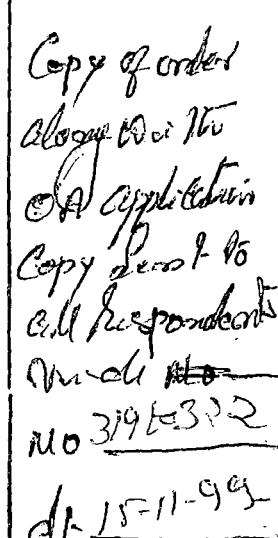

(GOPAL SINGH)
Adm. Member


(A.K. MISRA)
Judl. Member

Part II and III destroyed
in my presence on 19.11.93
under the supervision of
Section Officer (1) as per
order dated 15.11.93


Section Officer (Record)


Red
Copy
Recd
10/11/93
Kisan Singh
Advocate


Copy of order
Copy to Adm. Member
OA application
Copy to all respondents
Date 15-11-93
MO 39632
dt. 15-11-93