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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 260/Jodhpur/2012

Date of decision: 02.07.2012

HON'BLE Mr. B.K.SINHA, ADMINISTRATIVE MEMBER.

Dinesh Kumar Acharya S/o Shri Mahesh Kumar Acharya, aged 27 years, R/o Near Banesar Well, Bikaner (Raj). (At present working on the post of Investigator on contract basis at Superintendent office, NSSO, Sriganaganagar).

: Applicant

Mr. Jog Singh Bhati, Advocate.

Versus

1. Union of India through the Secretary, Ministry of Statistics & Programme Implementation, New Delhi.
2. Deputy Director General, National Sample Survey Organisation (FOD), 70/149-154, Patel Marg, Mansarover, Jaipur (Raj).
3. Director, Regional Office, National Sample Survey Organisation (FOD), 70/149-154, Patel Marg, Mansarover, Jaipur - 302020 (Raj).

.....Respondents

ORDER (ORAL)

Heard learned counsel appearing for the applicant.

2. The case of the applicant is that he was appointed as Field Investigator. He appeared for the written test for the post of Field Investigator in pursuance to a general advertisement issued by the Ministry of Statistics & Programme Implementation, and was selected in the same. Subsequently, an offer of appointment was made to the applicant vide the communication dated 7.6.2011.

The Clause 2(k) of this appointment reads as under:-

"The contract of this engagement ipso-facto shall be terminated automatically on the last date specified for which no formal notice or order will be required to be issued by the First Party."

3. The offer of appointment was accepted by the applicant and an agreement was made on 20.06.2011. Under clause 8 of this agreement it is provided that the services of the second party can be discontinued by giving a fifteen days written notice by either side. The first party under the terms of this clause is not required to assign any reason for such discontinuation. The term of the contract was up to 31.03.2012 which was extended vide communication dated 28.03.2012 up to 30.06.2011. The name of the applicant figured at Sl. No. 21 in the aforementioned communication. The Department has subsequently issued another communication vide OM dated 28.05.2012 to all the Regional Heads permitting the extension of field Officers and Field Investigators up to 31.12.2012 for various schemes. The Dy. Director had issued another communication dated 13.02.2012 giving a list of the Field Investigators whose services have been extended up to 31.12.2012 in which the name of the applicant does not find mention.

4. The grievance of the applicant is that his performance is not inferior to any other and the other Divisions have extended the services of all staff without making any discrimination.

5. The only fact in issue is that whether the Department has been within its rights in not providing extension to the applicant vide the impugned Office Order dated 13.06.2012 or whether the act is discriminatory. It is quite clear from Clause (a) of the letter of offer of appointment that the Department reserved the right not to extend the services of any Field Investigator as regards the communication at Annex. A/5 it is qualified by the fact: " exact

number of contractual staff at each Regional Office would be intimated in due course of time on receipt of R.G. wise workload for the 69th Round from SDRD Kolkata." This is an internal communication to the Heads of the Regions. It has two parts. In the first part it is mentioned the decision to extend the services of contractual staff up to December, 2012 for various schemes, one would presume including the scheme under which the applicant has been working. However, in the Second part of the order it is stated that the Regional Office would be intimated in due course on receipt of RG wise workload for the 69th Round from SDRD Kolkata. Here, it is to be noted that this order does not override clause (k) of the offer of appointment as discussed above. Hence, I am of the opinion that the Department has acted within its rights. However, taking a humanitarian view of the matter the application is remanded to respondent No. 3 to consider the matter and provide such appropriate relief as he may be entitled within a period of one week from the date of receipt of a copy of this order. With this direction, the OA is disposed of.

(B.K. Sinha)
Administrative Member

jrm

RIC
Rajnikant
Ravi Jag Singh

4/7/12