

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 500/2001

Tuesday, this the 18th day of March, 2003.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. Dr. Hussain Ouge,
S/o late Ali Heukagothi,
Veterinary Assistant Surgeon,
Department of Animal Husbandry,
Kavarathi, residing at
Doduathri Village,
P.O., Minicoy Island,
UT of Lakshadweep - 683559.
2. Dr. P.P. Attakoya,
S/o Pathada Abusala Haji,
Veterinary Assistant Surgeon,
Department of Animal Husbandry,
Kadamath, residing at
Puthiyapura, Kadamath-683559.
3. Dr. A.A. Mohammed,
S/o Hussain,
Veterinary Assistant Surgeon,
Department of Animal Husbandry,
Minicoy, residing at Athiri Gothi Mahal,
Minicoy - 682559. Applicants

(By Advocate Mr. M.R. Rajendran Nair)

Vs

1. Union of India rep. by the
Secretary to Government,
Ministry of Agriculture,
Department of Animal Husbandry and Dairy,
New Delhi.
2. The Administrator,
UT of Lakshadweep,
Kavarathi - 682555.
3. The Director,
Department of Animal Husbandry and Dairy,
Krishi Bhavan,
New Delhi - 110001. Respondents

[By Mr. P.R. Ramachandra Menon(R 1-3)]

The application having been heard on 18.3.2003, the Tribunal on the same day delivered the following :

ORDER

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

The applicants were appointed as Veterinary Assistant Surgeon in the Department of Animal Husbandry, Union Territory of Lakshadweep on adhoc basis being sponsored by the Employment Exchange. The 1st applicant joined on 18.3.1986, the 2nd applicant joined on 18.6.1986 and the 3rd applicant joined on 4.6.1984. They continued on adhoc service. Although they participated in selection process for regular appointment on a number of time, they were not selected. They filed OA No.1334/94 and OA No.1338/94 before this Bench of the Tribunal seeking regularisation, but their claim was rejected. The applicants' further claim for regularisation of their service was also rejected by impugned orders Annexure A5 and A1. Therefore, the applicants have filed this application seeking to set aside the impugned orders Annexure A1 and A5 and for a declaration that they are entitled to have their services regularised as Assistant Veterinary Surgeon w.e.f. the date of initial appointment and for a direction to the respondents to regularise their services or to treat the applicants as temporary employees governed by CCS(Temporary Service) Rules, 1965 and to grant them all consequential benefits including quasi permanency, confirmation etc.

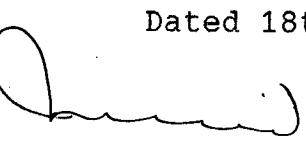
2. The respondents contend that as the identical claim of the applicants was turned down by this Tribunal in its order in OA No.1334/94 and OA No.1338/94 and as the applicants failed in the selection by the UPSC, the applicants are not entitled to the reliefs sought.

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3. When the application came up for hearing, the learned counsel for the applicants stated that although respondents have made further selection through UPSC, the selected candidates did not report for duty and therefore the applicants are still continuing in the adhoc service. The counsel submitted that in the circumstances of the case the application may be disposed of permitting the applicants to make a further representation to the 1st respondent bringing to notice the relevant facts and directing the 1st respondent to consider the representation and to give them an appropriate speaking order and directing the respondents not to replace the applicants by any other adhoc employees.

4. We are of the considered view that this request is reasonable. Therefore, we dispose of this application permitting the applicants to make a detailed representation to the 1st respondent projecting the points in favour of their claim for regularisation within a period of one month from today and directing the 1st respondent that if such representations are received, the same shall be considered taking into account the rules and instructions on the subject and the fact that the applicants are continuing in service for nearly two decades on adhoc basis and to give them an appropriate reply as early as possible. We also direct that as the applicants have been continuing on adhoc service for a long time, they shall not be replaced by any other adhoc employees. No costs.

Dated 18th March, 2003.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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