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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH AT LUCKNOW.

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Registration (O.A.) No. 642 of 1987

Chandra Gupta

....

Applicant.

Versus

Union of India & others

....

Respondents.

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Hon'ble D.S. Misra, A.M.

Hon'ble D.K. Agrawal, J.M.

(Delivered by Hon. D.K. Agrawal, J.M.)

This application, under Section 19 of the Administrative Tribunals Act, 1985, has been filed by the applicant, Chandra Gupta, feeling aggrieved with the order of retrenchment dated 7.7.1984 passed by the office of the Director of Census Operations, Government of India, Ministry of Home Affairs, Uttar Pradesh, Lucknow.

2. The facts, in brief, are that the applicant was appointed on the post of S/orter on a fixed pay and for specific period from 23.4.1971 to 13.10.1971 and on the post of Assistant Compiler from 14.10.1971 to 30.4.1974. He was retrenched on 30.4.1974 on account of reduction of staff. Again the applicant was appointed for a specific period, on ad hoc basis, on the post of Tabulator on a fixed pay of Rs.280/- per month from 3.2.1981 to 28.2.1982 and on the post of Coder on a fixed pay of Rs.280/- per month from 1.3.1982 to 30.6.1984. He was again retrenched on account of reduction in establishment on 7.7.1984.

3. The question is as to whether the applicant acquired any legal right to hold the post, and secondly, whether the termination order was bad in law. The facts, as stated in the application or in the counter affidavit,

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leave no scope of doubt that the appointments were given to the applicant as and when vacancies arose in the Department of Census Operations. It is a matter of common knowledge that the Department of Census Operations is most active at the time ~~xx~~ census is carried out. The nature of appointments offered to the applicant from time to time were that of casual or on ad hoc basis. The impugned termination order (Enclosure 'D') dated 7.7.1984 also mentions it clearly that the services of the applicant were put to an end on account of reduction in the Establishment. There was no complaint against the work and conduct of the applicant. In fact the said enclosure 'D' mentions it clearly that the work and conduct of the applicant was satisfactory. Therefore, we have no hesitation in coming to a conclusion that the application is misconceived. The applicant did not acquire any legal right to hold the post and that the termination order was not passed for any ~~other~~ <sup>✓ other ✓</sup> reason than the decrease in the number of posts in the Establishment. Consequently, the application is liable to be dismissed and is dismissed accordingly with no order as to costs.

*SK Agarwal*

MEMBER (J).

Dated: 24th April, 1989.

PG.

*Bhm*

MEMBER (A).