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CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

O.A. No. 242/1991

Monday this the 14th day of February, 2000

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HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

Ms. Sunita Ludhani
resident of 52/20 Nigam Building,
Udaiganj, Lucknow
last employed as Civilian Switch Board
Operator in Military Exchange, Lucknow. ... Applicant

(By Advocate: None for the applicant)

Vs.

1. Union of India through the Secretary
Ministry of Defence, New Delhi-110 001.
2. Army Headquarters General Staff Branch
DHW PO, New Delhi.
3. General Officer Commanding in Chief
Central Command, Lucknow Cantt.
4. Officer Commanding, Central Command
Signal Regiment, Lucknow Cantt. 2.

(By Advocate: None for the respondents)

The application was taken up on 14.2.2000 and the tribunal
delivered the following order on the same day:

O R D E R

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

The applicant was employed as a temporary Civilian
Switch Board Operator in the Military Exchange Lucknow for
some time i.e., on four occasions (i) 18.6.88 to 1.9.88 (ii)
10.7.89 to 6.10.89 (iii) 26.12.88 to 24.5.90 and (iv) 7.3.90
to 2.6.90 89 days each. Her grievance is that she had no
continuous engagement so that she could complete 120 days
of service in six months or 240 days in any year though
such an engagement had been given to others and that she
has not been regularised on the post of Civilian Switch Board
Operator. The applicant has, therefore, filed this application

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praying that the respondents be commanded to consider her case for regular appointment as offered to her juniors as also to reinstate her in service with benefit of back-wages as the services were illegally and wrongfully terminated on 3.6.90. In the application the applicant had stated that the applicant was engaged only on temporary and basis for period of 89 days each, /that she was called for selection but was not given appointment on regular basis.

2. In the reply affidavit the respondents contend that the applicant was engaged on a temporary basis for 89 days each as there was a ban on recruitment and that when the ban was lifted all the candidates including the applicant were considered for selection as against two posts and those who were found ^{more} meritorious were selected and appointed and that /the applicant who could not come upto the grading was not appointed. The respondents contend that the applicant does not have a legitimate grievance.

3. When the application came up for hearing, even though the case was taken up twice, none appeared either for the applicant nor for the respondents. Since being a very old case finding no reason to put off the hearing of this case, we perused the pleadings and other materials available on record ~~carefully~~:xxxxxxxxxxxxxxxxx.

4. The claim of the applicant for reinstatement and backwages is not based on any entitlement As per the allegations in the application, the applicant was engaged

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on four times for a period of 89 days each purely provisionally and temporarily and she never had continuous service. On expiry of the last spell of engagement of 89 days she was thereafter not engaged. Therefore, there was no termination of service much less illegal termination entitling the applicant to claim reinstatement with backwages. Regarding the claim of the applicant for regular appointment is concerned, officiating on temporary basis for periods not exceeding 89 days three or four times does not confer on her any right for regular appointment. The post is to be filled up on the basis of the provisions of the Recruitment Rules. The applicant alongwith others were considered and those found more suitable were appointed. We do not find any illegality or infirmity in the action of the respondents.

5. In the result, finding no merit in the application the application is dismissed leaving the parties to bear their own costs.

Dated the 14th day of February, 2000


J.L. NEGI
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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