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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH

Registration T.A.No.1406 of 1986

Dr. S.K. Verma

Applicant

Vs.

Union of India & Others...

Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant was appointed as an Assistant Surgeon Grade-I in the Ordnance Factories Organisation, Ministry of Defence, vide order dated 5.6.1969. The appointment of the applicant was for a period of one year. The applicant who joined as Junior Medical Officer, Kanpur continued to work till 12.7.1978. One of the conditions of the appointment was that ofcourse the applicant's appointment was for a period of one year or less than that in case the persons selected by Union Public Service Commission joined. Although the applicant's appointment was for the period of one year but Union Public Service Commission has been giving/sanction for its extension and that is why it was extended. Vide letter dated 3.7.1980 under the signature of Director General, Ordnance Factories the applicant's services were terminated. The applicant was apprised of the termination of the service. Another letter was received by him, 7.8.1980 from Deputy General Manager informing him that his services/stand terminated with effect from 18.8.1980 under rule (5) of the Central

Civil Service(Temporary Services) Rules, 1965. In the termination order the applicant was treated as an adhoc employee. Although according to the applicant he was never appointed as adhoc employee and was only appointed as a temporary employee. The applicant has challenged the said order of termination by filing a Civil Suit in the Court of Civil Judge, Dehradun. The said Suit has been transferred to this Tribunal. Similar matter came up for consideration today before us in the case No. O.A. 186 of 1987 Dr. Hari Narain Misra Vs. Union of India & others and we have taken the view that the Union Public Service Commission has been giving/sanction for/continuation of this post and the services could not have been terminated in this manner, and we have held :

"That the Union Public Service Commission has given the approval for extending the period of the temporary appointment after every six months. It could be accepted that the U.P.S.C. approved his appointment everytime as no selection was made. The U.P.S.C. having approved the appointment of the applicant for years together, hardly there appears to be any reason for requiring these applicants to appear before the U.P.S.C. again for interview etc. Obviously because it is within the domain of U.P.S.C. the question of the regularisation of these applicants can be decided by the U.P.S.C. after perusing the A.C.R.s in view of the fact that they were in service for more than 10 years. Thus in view of what has been said above the application deserves to be allowed and the termination order is quashed, and the respondents are directed to consider the case of the applicant for regularisation without requiring them to appear for interview, but after perusing the A.C.R., within a period of 4 months from the date of communication of this order."

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The very same observations applies in this case also and in terms of the above directions given in the case O.A.No. 186 of 1987 (Dr. Hari Narain Mishra V. Union of India & Others) the said directions are given in this case also. The application stands disposed of accordingly. There will be no order as to costs.

Amarnath

Member (A)

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Vice-Chairman.

29th January, 1992, Lucknow.

(sph)