

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.888/99

Dated this the 16 day of June, 2003.

CORAM : Hon'ble Shri V.K.Majotra, Member (A)

Hon'ble Shri Shanker Raju, Member (J)

A.D.Desai,
Lecturer,
Dr.B.B.A.Govt. Polytechnic,
At-Karad, P.O. Silvassa.

...Applicant

By Advocate Shri I.J.Naik

vs.

1. Union of India
through Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. The Secretary,
Human Resource Development,
Dept. of Education,
Govt. of India,
Shastri Bhavan,
New Delhi.
3. The Union Public Service
Commission through the
Secretary, Dholpur House,
Shah Jahan Road,
New Delhi.
4. The Administrator,
Union Territory of
Dadra & Nagar Haveli,
Administrator's Secretariat,
Circuit House,
Silvassa.

...Respondents

By Advocate Shri V.S.Masurkar

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O R D E R

{Per : Shri V.K.Majotra, Member (A)}

Applicant has challenged in-action of the Respondents No.3 & 4 towards regularisation of his appointment in the post of Lecturer in Physics under the control of Respondent No.4. He has also challenged Advertisement published by Respondent No.3 U.P.S.C. for filling up the post of one Lecturer in Physics (Annexure-'A-1').

2. Learned counsel of the applicant stated that applicant was appointed as Lecturer in Physics by the respondents on 22.8.1994. While he has not been called to participate in the interview being held in pursuance of the aforestated Advertisement, his services have been terminated by the respondents in the meanwhile. While another person was appointed in response to the said Advertisement, he has left and the post has again fallen vacant. Learned counsel stated that applicant should be re-employed and continued as ad hoc Lecturer in Physics till replaced by an incumbent selected on a regular basis.
3. Learned counsel relied on 1988 SCC (L&S) 853 - Rajbinder Singh vs. State of Punjab & Ors. contending that ad hoc appointees were directed to be continued until appointment of regularly selected persons.

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4. Learned counsel of the respondents stated that applicant was locally appointed against the Direct Recruit quota to be filled through UPSC and as such has no right for regularisation. He contended that when the applicant was appointed on short term since 22.8.1994, which appointment was extended from time to time, the question of regularisation of this appointment to the post of Lecturer would not arise.

5. The case of Rajbinder Singh (supra) is a similar case in which the Supreme Court held as follows :-

"This Court in a number of writ petitions (W.P. Nos. 125 of 1987 and 317 of 1987) has allowed the adhoc teachers to continue in service until persons regularly selected by the PSC are appointed to the posts. The respondents ought to extend the benefit of that order to all other adhoc Lecturers. It is not proper to drive them to this Court for securing similar relief. We make it clear that the petitioner and other similar adhoc teachers are entitled to the benefit of the order of this Court made in the aforesaid writ petitions."

The above ratio is squarely applicable to the facts of the present case.

6. Respondents are directed to consider the case of the applicant for appointment as an Ad hoc Lecturer in Physics along with other candidates. On selection, he would be entitled to continuance on the said post till replaced by an incumbent selected on a regular basis. OA. is allowed in the above terms. No costs.


(SHANKER RAJU)

MEMBER (J)


(V.K. MAJOTRA)

MEMBER (A)

mrj.