

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

INDEX SHEET

CAUSE TITLE C.A. 206 of 1989 (C)

Name of the parties _____

G. K. Roma

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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Check
24/6/11

50 (J)

Having certified that no further action is required to be taken
and that the case is fit for consignment to the record room. (2)

P.T.W →

Regd.

26/12/

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

18-8-89

Registration No. 206 of 1989(2)

APPLICANT(S) Gurish Kumar Verma

RESPONDENT(S) Union of India & Others

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	Yes
2. a) Is the application in the prescribed form ?	Yes
b) Is the application in paper book form ?	Yes
c) Have six complete sets of the application been filed ?	four sets have been filed
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time ?	NO
c) Has sufficient cause for not making the application in time, been filed ?	Yes
4. Has the document of authorisation/ Vakalatnama been filed ?	Yes
5. Is the application accompanied by B.D./ Postal Order for Rs.50/-	Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	Yes
7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes
c) Are the documents referred to in (a) above neatly typed in double space ?	Yes
8. Has the index of documents been filed and paging done properly ?	Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	No

	<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11.	Are the application/duplicate copy/spare copies signed ?	Yes
12.	Are extra copies of the application with Annexures filed ? a) Identical with the Original ? b) Defective ? c) Wanting in Annexures	Yes No No
	Nos. _____ pages Nos. _____ ?	
13.	Have the file size envelopes bearing full addresses of the respondents been filed ?	No
14.	Are the given address the registered address ?	Yes
15.	Do the names of the parties stated in the copies tally with those indicated in the application ?	Yes
16.	Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	Yes
17.	Are the facts of the case mentioned in item no. 6 of the application ? a) Concise ? b) Under distinct heads ? c) Numbered consecutively ? d) Typed in double space on one side of the paper ?	Yes Yes Yes Yes
18.	Have the particulars for interim order prayed for indicated with reasons ?	Yes
19.	Whether all the remedies have been exhausted.	Yes

dinesh/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 206 of 1989 (L)

APPELLANT
APPLICANT

G.K. Verma

VERSUS

DEFENDANT
RESPONDENT

Union of India & others

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
22.9.89	<p><u>Hon'ble Mr. D.K. Agrawal, J.M.</u></p> <p>Shri R.K. Gour, Counsel for the applicant heard.</p> <p><u>ADMIT.</u></p> <p>Issue notice to respondents to file counter affidavit within six weeks to which the applicant may file rejoinder within 2 weeks thereafter.</p> <p>Issue show cause notice to respondents as to why the interim relief prayed for be not granted.</p> <p>List this case on <u>4.12.1989</u> for orders.</p>	
4.12.89	<p><u>J.M.</u></p> <p><u>rrm/</u></p> <p>Hon. Justice K. Nakk, V.C. Hon. K. J. Raman, A.M.</p> <p>Learned counsel for the applicant is present. No one is present for the respondents.</p> <p>List this case for ex parte final hearing on 20.12.89 as the respondents have not filed any counter affidavit so far.</p> <p>We see no reason to grant any interim order. The application for interim relief is rejected.</p>	<p><u>C. 2 mtg. 15.9.89 11/12/89</u></p> <p><u>Notice were issued on 27.9.89.</u></p> <p><u>No other reply nor any counter affidavit has been received so far.</u></p> <p><u>Submitted for Order.</u></p> <p><u>11/12/89</u></p>

N.R.

A.M.

V.C.

OB

No reply filed
Case is submitted
for ex-Party hear

1989

OA. 206/89

AM

2/7/81

From. Mr. Justice U.G. Srivastava, re.
From. Mr. A.B. Gorai, Am.

A mention has been made from
Smt. D.S. Randhawa ^{for the respondents} that the case
may be adjourned for tomorrow.

Put up tomorrow for hearing.
No adjournment will be granted
tomorrow.

1

Am.

✓

VG.

Decided

6.6.81

AM

(AS)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.206 of 1989 (L)

G.K.Verma Applicant

Versus

Union of India & Others..... Respondents

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

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

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

The applicant who was working as C/T Maker in the CBI was appointed as LDC on temporary basis on 4/2/85 and as such his services were terminated on 1.11.88 i.e. after 3 years and 9 months including one year and two months of continuous service. But the applicant has challenged the said termination order by means of this application. The services of the applicant as LDC were terminated and he was posted on his original post of C/T maker which is a class IV post. Before his appointment to LDC the applicant was to undergo the process of typing test as well as interview in which he succeeded and passed the educational qualification and he was appointed. This appointment he got twelve years after working as C/T Maker in the said Department. The appointment order clearly indicated that he was being appointed for a period of three months or till such time his services are required whichever is earlier. The order dated 3.5.85. His services were terminated on 3.5.85 and reappointed on 6.5.85. He was again terminated on 5.8.85 and reappointed on 7.8.85, again terminated on 10.10.85, he was further appointed

on 4.12.85 and terminated on 7.2.86. He was again reappointed on 25.9.86, 3.12.86, 9.3.87, 5.5.88, 4.8.88. It was only eye wash and he was in continuous service upto 31.10.88 vide termination order No.271/88 dated 1.11.88.

2. In the Written statement there is no allegation whatsoever that any person from the SSC or Surplus Staff Cell was made available and that is why the services of the applicant have been terminated. The applicant has challenged the termination order on variety of grounds. Despite service no appearance has been put on behalf of the respondents. It has been stated that the applicant has been appointed as LDC in place of Shri M.R.Siddiqui who was promoted to the post of Senior-Clerk-cum-Steno, on adhoc basis. Shri M.R.Siddiqui was reverted to the post of LDC and the applicant was also reverted as C/T Maker. M.R. Siddiqui was relieved from the office and the post of LDC was filled up with other candidate named Shri Awadesh Kumar Nigam whereas the noting of Head Clerk on file was made in favour of the applicant but later on it came to know that the applicant was appointed in place of Gyan Chandra, LDC and A.K.Nigam was appointed in place of Shri M.R.Siddiqui on 25.9.86. But the services of the applicant were terminated while Shri A.K.Nigam continued. Now a new candidate has been appointed in place of M.R.Siddiqui w.e.f. 21.7.89. The applicant's grievance is that he had already passed test and interview and there is no question of re-examination for the post of LDC itself again. It has been contended on behalf of the applicant that

(P)

justice has not been done in his case and Govt. instructions from time to time are that the Department should consider the case of the employees for regularisation who have completed more than one year on temporary basis. But his case for regularisation has not been considered. There are so many rulings on this subject by the Supreme Court for regularisation of the service those who have completed more than one year's service on temporary basis. No reply has been filed by the respondents. But the documents give about the complete picture in the matter. From the appointment letter of the applicant it is clear that the applicant was to continue till no one from Staff Service Commission or Surplus Staff Cell joins. It appears that another person was appointed in place of the applicant and the applicant's services were terminated. A person who was appointed was not of that category. A reference has been made in the case of Guru Prasad Versus Union of India & Others reported in 1988 (4) CAT 747 of CAT Jabalpur Bench. In the Jabalpur Bench of the Tribunal quashed the impugned order terminating the services of the applicant and directed the respondents to reinstate them in service ignoring the technical breaks, and condoning the periods of absence under FR 54 which would be treated as leave including extraordinary leave as may be admissible. There was no justification and it would appear that why the respondents do not file any counter affidavit. The learned counsel for the applicant has also placed reliance on the Full Bench decision of the Punjab and Haryana High Court reported in AIR 1988 272 Jagdish Lal and Others Vs. State of Punjab and Others in which

AP

it has been held that the mere rational and just view to be taken on the interpretation of the relevant Government Instructions D/- 29th March, 1985 providing for the regularisation of the services of the employees in Government Department or offices would be that the minimum continuous period of service ~~of service~~ of one year, one of the conditions for such regularisation, need not necessarily be the year immediately preceding April 1, 1985. The ^{said} Govt. instruction which came for consideration in the instant case, by subsequent amendment the date was changed to 1.4.85, but the position still remains. The applicant has obviously worked for more than one year and he has also passed the suitability test. There was no reason why his case for regularisation was not considered though it should have been done. With these observations, the respondents are directed to appoint the applicant on the said post of LDC in case no one has yet been selected from the Staff Selection Commission or the Surplus Staff Cell. The applicant's case for regularisation may also be considered. Let the compliance of the order be done within a period of two months from the date of the communication of this order. Parties shall bear their own costs.

Anurag D
Member (A)

W
Vice Chairman

Dated the 5 July, 1991.

RKM

(A)

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 18.8.89

Date of Receipt by Post

In the Central Administrative Tribunal

Allahabad Bench, Lucknow.

Application Under Section 19 of the Central
Administrative Tribunal Act, 1985.

67A 206 of 1989 (L)

Girish Kumar Verma

..... Applicant.

versus

Union of India & others

..... Respondents.

I N D E X

Sr. No.	Description of Documents Relied upon	Page Nos.
1.	Application	1 to 10
2.	Annexure NO. A-1	h 27 12
3.	Annexure NO. A-2	h 26 13
4.	Annexure NO. A-3	h 25 14
5.	Annexure NO. A-4	h 24 15
6.	Annexure NO. A-5	h 23 16
7.	Annexure NO. A-6	h 22 17
8.	Annexure NO. A-7	h 21 18
9.	Annexure NO. A-8	h 20 19
10.	Annexure NO. A-9	h 29 20
11.	Annexure NO. A-10	h 28 21
12.	Annexure NO. A-11	h 27 22
13.	Annexure NO. A-12	h 26 23
14.	Annexure NO. A-13	h 25 24
15.	Annexure NO. A-14	h 24 25
16.	Annexure NO. A-15	h 23 26
17.	Annexure NO. A-16	h 22 27
18.	Annexure NO. A-17	h 21 28
19.	Annexure NO. A-18	h 20 29 to 30
20.	Annexure NO. A-19	h 18 31
21.	Annexure NO. A-20	h 16 to 17 32 to 33
22.	Annexure NO. A-21	h 15 to 16 34 to 38 contd....2

Filed to-day
Annotated for 22/9/89
21/9/89
18/9/89

I N D E X contd.

<u>Sl. No.</u>	<u>Description of Documents Relied upon</u>	<u>Page Nos.</u>
23.	Bank Draft	38
24.	Vakalatnama	39
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Lucknow

G. B. Verma

Dated: Aug., 1989.

Signature of the Applicant.

For use in Tribunals Office

Date of Filing

Registration No.

OA 206/09/6

Signature for Registrar.

(iii) Address for service : Same as above.
of all notices

3) Particulars of the order against which the Application is made :

The application is against the following order:-

(i) Order No. 271/1988 with reference to Annexure No. A-17.

(ii) Date: 1.11.1988

(iii) Passed by Superintendent of police, CBI/SPE.

(iv) Subject in Brief:-

The applicant was appointed as Lower Division Clerk on temporary basis on 4.2.85 vide SP, CBI/SPE Office order No. 53/85 ~~dt. 1.11.88~~ under Ministry of Home Affairs (Department of personnel & Training); ~~without~~ but suddenly he was terminated on 1.11.88 (FN), without assigning any reason vide their office order No. 271/88 dated 1.11.88, whereas the applicant had served 3 years and 9 months including 1 year and 2 months of continuous service on the post of Lower Division Clerk.

.....Annexure No. A-2/17.

4) Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against which he wants redressal, within the jurisdiction of the Tribunal

5) Limitation:

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Central Administrative Tribunal Act, 1985.

contd...3

6) Facts of the Case:

The facts of the case are given below.

(i) That the applicant was appointed as L.D.C. on 4.2.85 in ~~lucknow~~ the office of SP, CBI/SPE Lucknow on temporary basis vide their office order NO.53/85, dated 18.2.85; consequent to his success in completion of English typing Test on 5.11.84 and interview held on 23.1.85 and was possessing required qualification.

...Annexure NO.A-1, 2.nd

(ii) That the applicant was serving as C/T maker in SP, CBI/SPE, Lucknow since 1973.

(iii) That the applicant continued to serve in the aforesaid capacity i.e. L.D.C. till 1.11.88(FM) with some spells of break, in service w.e.f. 4.2.85 to 31.10.88 i.e. 3 years and 9 months.

...Annexure NO.A-17.

(iv) That the applicant was appointed as L.D.C. on 4.2.85 and terminated on 3.5.85 vide SP, CBI/SPE Office order Nos. 53/85 and 133/85.

...Annexure NO.A-2 and A-3.

(v) That the applicant was reappointed on 6.5.85 and terminated on 5.8.85 vide SP, CBI/SPE office order Nos. 134/85 and 201/85.

...Annexure NO.A-4 and A-5.

(vi) That the applicant was again appointed on 7.8.85 vide SP, CBI/SPE office order NO.202/85 dated 19.8.85 and terminated on 26.10.85 vide their office order NO.265/85.

...Annexure NO.A-6 and A-7.

(A) 4

(vii) That the applicant was further appointed on 4.12.85 vide SP,CBI/SPE Office order No.299/85 and terminated on 7.2.86 vide their office order No.49/86.

...Annexure No.A8,19.

(viii) That the applicant was reselected for the post of L.D.C. and appointed on 25.9.86 vide SP,CBI/SPE Office order No.224/1986 and their letter No.1379/40/1/E/86-87/CBI/LKO dated 25.9.86.

..Annexure No.A-10,11.

(ix) That the applicant was reappointed ~~on 3.12.86~~ vide Office order No.276/86 and terminated on 31.1.87 vide SP,CBI/SPE Office order No. 23/87.

...Annexure No.A-12.

(x) That the applicant was further appointed on 9.3.87 vide ~~the~~ SP,CBI/SPE Office order No. 97/87 and continued in service upto 4-5-88(FN). In the meanwhile he was posted in Legal section on 2.6.88 vide their letter No.1854/SPE/Order/88/CBI/LKO dated 2.6.88.

...Annexure No.A-13, A-14.

(xi) That the applicant was terminated on 4-5-88(FN) vide SP,CBI/SPE Office order No. 141/88 and thus continued in service for 1 year and 2 months.

(xii) That the applicant was appointed again vide SP,CBI/SPE Office order No.150/88, ~~and~~ terminated on 3.8.88 (AN) vide their office order No.212/88 and reappointed next day i.e. 4.8.88 (FN) vide their office order No. contd....5

PIS

220/88. It was only ~~Exxx~~ eye wash and he was in continuous service upto 31.10.88 vide termination order No. 271/88 dated 1.11.88, which was effective w.e.f. 1.11.88 (FN) and he was posted to his original post as C/T maker in CBI Tiffin Room on the same date.

...Annexure NO.A-15, 16, 17.

(xiii) That the applicant, during the aforesaid period, had worked with full sincerity and devotion to duty and to the utmost satisfaction of the administration, in different sections of CBI branch, Lucknow.

(xiv) That the applicant was appointed as L.D.C. in place of Sri M.R. Siddiqui who inter alia was promoted from L.D.C. to the post of Senior Clerk-cum-Steno, on ad-hoc basis as one post of the same cadre was vacant in the office.

...Annexure NO.A-18.

(xv) That on joining of Shri A.K. Mallick, Senior Clerk-cum-Steno, on the advice of Staff Selection Commission, Allahabad; Mr. M.R. Siddiqui was ~~disregarded~~ reverted to the post of L.D.C. and consequent to which the applicant was also reverted as C/T maker.

...Annexure NO.A-18.

(xvi) That Mr. M.R. Siddiqui has been relieved from the office and the post of L.D.C. is filled up with other candidate named Sri Awdesh Kumar Nigam whereas the noting of Head Clerk on file, was made in favour of contd....6

the applicant but later on, it came to know that the applicant was appointed in the place of Sri Gyan Chandra, L.D.C. and Sri A.K. Nigam was appointed in place of Sri M.R. Siddiqui, on 25.9.86. But services of Mr. A.K. Nigam was continued and the applicant was terminated and now a new candidate has been appointed in place of Mr. M.R. Siddiqui, w.e.f. 21.7.89.

(xvii) That the applicant has appealed to the S.P., CBI/SPE for reconsidering his case for reappointment as L.D.C. vide application dated 14.6.89, but the respondent No.2 ordered on the same application that the applicant may be allowed to appear at the written test for S.C.S. (Senior Clerk-cum-Steno) Scheduled, whereas the applicant had already qualified the test and interview for L.D.C. held on 5.11.84 and 23.1.85. The question of re-examining re-examination for higher post than L.D.C., for which the applicant is not qualified, is nothing else but only harassing attitude towards the applicant. And thus the respondent No.2 has violated the Articles 14 and 16 and 309 to 311 of Indian Constitution, which provide the principles of natural justice in which it is clear that justice is to secure justice or to put it negatively to prevent mis-carriage of justice.

...Annexure No. A-1 and 18.

contd.... 7

(xviii) That the applicant is being harassed by the administration and is denied the justice and thus in this manner, the impugned action of the respondent No.2 is entirely arbitrary and malafide and violative of Fundamental Rights guaranteed to the applicant under Articles 14, 16 and 309 to 311 of the Constitution of India.

7) Details of the remedies exhausted:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules etc.

(a) Application dated 14.6.89, addressed to the Superintendent of police, CBI/SPE Lucknow.

...Annexure NO.A-18.

But order of respondent No.2 on the same application issued for written test for S.C.S. Schedule (Senior Clerk-Cum-Steno) whereas the appeal was made for appointment of L.D.C. and the written test and interview were passed by the applicant on 5.11.84 and 23.1.85.

..Annexure NO.A-1/18

8) Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application Writ petition or suit regarding the

matter in respect of which this application has been made, before any court of Law or any other authority or any other Bench of the Tribunal and nor any such application, Writ petition or suit is pending before any of them.

9) Reliefs Sought:-

In view of the facts mentioned in para 6 above the applicant prays for the following reliefs:-

(a) To direct the respondents, to reinstate the applicant in the cadre of L.D.C. in ~~as~~ the office of SP, CBI/SPE, Lucknow.

(b) To regularise the post of L.D.C. under the instructions of Government of India, on the following ~~terms~~ grounds:-

(i) Because the applicant has served 3 years ~~and~~ 9 months service with some spells of break, w.e.f. 4.2.85 to 31.10.88.

(ii) Because the applicant is terminated w.e.f. 1.11.88 (FN), without assigning any reason to the applicant.

(iii) Because the applicant has served continuously about 1 year and 2 months service w.e.f. 9.3.87 to 4-5-88 (FN) and there are Government instructions that if the minimum continuous period of service is of one year, the service may be considered for regularisation.

(iv) Because the respondent No.2 has violated the principles of natural justice under Articles 309 to 311 of Indian Constitution, whereas there is Supreme Court Ruling that justice should not only be done, but should manifestly ~~see~~ be seen to be done. Justice can never be done if a man acts as a Judge in his own cause or ~~his~~ himself interested in ~~his~~ its outcome. This principle applies not only to judicial proceedings but also to quasi-judicial and administrative proceedings.

...Annexure NO.A-18.

(v) Because there are Government instructions from time to time to consider the cases of continuous service of more than 1 year, on ad-hoc or temporary basis.

...Annexure NO.A-20, A-21.

(vi) That there is Supreme Court Ruling that if any body employed for many years and terminated from service and thereon fresh recruitments are made almost simultaneously, as made on 21.7.89; Government should issue orders for absorbing persons like this. Employees held entitled to benefit of Govt. orders ~~at~~ and to be continued in service. There is also an other Supreme Court Ruling that if both written examinations and interview tests are to be essential ~~which~~ features of proper selection, the question may arise as to weight to be attached respectively them. Arbitrariness as in the

contd...10

case of the applicant and denial of equal opportunity, is clear violation of Article 14. of Indian Constitution. ...Annexure NO.A-1.

- 10) Interim Order:- As above.
- 11) The application is presented through Counsel.
- 12) Particulars of Bank Draft in respect of the application fee.
(i) Name of the Bank: SBI, Cantt. Lucknow
on which drawn.
(ii) Demand Draft No. OT/A/132 516935

- 13) List of Enclosures:-

As per Annexures mentioned in para 6, in various paragraphs and in the Index.

Verification

I, Girish Kumar Verma S/O Late Shri Shiv Balak Verma aged about 29 years, working as C/T maker in the office of SP,CBI/SPE, 7, Nawal Kishore Road, Lucknow at present, R/O C/O Verma & Sons, Jewellers P.O. Kharika, Telegagh Bazar, Lucknow, do hereby verify that the contents of paras 1 to 13 are true to my personal knowledge and that I have not suppressed any material fact.

G. K. Verma

Date: Aug., 1989. Signature of the Applicant.

place: Lucknow.

To,

The Registrar,
Central Administrative Tribunal,
Allahabad Bench, Lucknow.

through:

1/23/89
(Raj Kumar Gaur)
Advocate,
Counsel for the Applicant.

Annexure no 1, Last Form no 28)

CENTRAL BUREAU OF INVESTIGATION

Office Order No. 271/1988

The Service of Sri Girish Kumar Verma, LDC appointed vide O.O. No. 220/88 is hereby terminated and he is posted to his original post as Coffee Tee Maker in CBI Tiffin Room w.e.f. 1.11.88 (F.N.).

This order is being issued with the approval of SP available on the file.

Supdt. of Police,
CBI:SPE:Lucknow.

Encl. No. 5586/40/1/2/88/CBI/LKO. Dt. 1-11-88

Revised
11/11/88
SPE

1. Accounts Section, A/C-II of E/C II for necessary action (in duplicate).
2. Sri Girish Kumar Verma, Coffee Tee Maker, CBI, Tiffin Room.
3. P/F of Sri ~~SRI~~ Girish Kumar Verma.

Supdt. of Police,
CBI:SPE:Lucknow.

SC

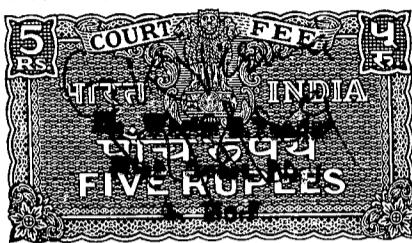
70

ब अदालत श्रीमान् [वादी अपीलान्ट] श्री प्रतिवादी [रेस्पाइन्ट] In the Central Administrative Tribunal Allahabad Bench, Chanon महोदय [पर्याप्त] ४२२

वकीरतामा

Applicant

Gurish Kumar Verma



वादी (अपीलान्ट)

Union of India & others

बनाम

प्रतिवादी (रेस्पाइन्ट)

न० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री राज कुमार चौहानी, अधिवक्ता
वकील महोदय एडवोकेट

नाम अदालत अपील अधिवक्ता
मुकद्दमा न० १६८८
नाम मुकद्दमा न० १६८८

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकर को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

G.K.Verma
हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक १८-८-५९ महीना सन् १६ ई०

स्वीकृत
11/11/1959
महोदय

Answers

1 to 21

Annexure No 1

12
Over to Mr. T. K. SURESH : On behalf
of CHARLES M. BURGESS the Director of
7, M.G.L. Columns House, LUCKNOW
dated

With reference to his English/Arabic Typing test held in
this office on 5.11.1944 for the post of Lower Division
 Clerk in the Pay scale of Rs. 250-6-250-6-326-6-366-11-
 833-10-400 Shri Grish Kumar Verma hereby required to
attend this office for interview 23.1.45 at 11.00 hours
alongwith original certificates.

No/T.O.A./D.A. shall be paid for this journey.

Copy of this
order
is
sent
to
Central
Control
Office

Shri Grish Kumar Verma, Supdt. of Police, C.I.S./S.P.
C.W.I., Lucknow.

Annexure no 2

(B)

Subject Control No. 5-3

145

Plant Origin Kumar Varma, is appointed temporarily to the post of Head Lower Division Clerk u.o.2.4.4218 (Cm) O No.259/-P, in the scale of L.260/-G-290-H-326-S-366-G-390-T-400-Rs. Other allowances as admissible under the rules for a person of similar ranks or class such time his services are required shall be given in earlier u.o.s. 4.2.0.95. Present with C.M.A. 10/1949.

Subject. of Police, C.M.A.
Lakhnow.

Address. 314/1/49/1/2/85/031/LKO.
Dated 1/2/2

Copy for information and necessary notice to:

1. Account Section (A.O.XI) 10 duplicates.
2. Head Office Kumar Varma, LKO/C.M.A/LKO.
3. Personal file of Mr. Ustad Kumar Varma, I.D.U, C.M.A, LKO.

Copy to 1/2/85
Subject. of Police, C.M.A.
Lakhnow.

OFFICE ORDER NO. 133 /1985. (A)

Shri ~~the~~ Service of Shri Girish Kumar Verma, LDC appointed on an ad-hoc basis w.o.f. 4.2.85 (PN) for a period of 3 months from 4.2.85 to 3.5.85 is hereby terminated w.o.f. 2.5.85 (AN) (A)

Supdt. of Police, CBI/SPB
Lucknow.

*Certified and
dated 2/5/85
R.D.*

Encl No. 203 /40/1/E/85/CBI/LKO. Dated: 1.5.85

Copy to :-

1. Accounts Section (Ac-II) Induplicate.

2. Shri Girish Kumar Verma, LDC, CBI, Lucknow.

3. R/T of Shri Girish Kumar Verma, LDC, Lucknow.

On file 21/5/85

Supdt. of Police, CBI/SPB,
Lucknow.

Annexure No. 4

Departmental
P.4

OFFICE C.081 NO. 134 /1985.

Shri Girish Kumar Verma is appointed temporarily to the post of Lower Division Clerk w.e.f. 6.5.85 (P.M.) & Rs.260/- P.M. in the Scale of Rs.260-6-290-20-326-8-366-60-8-390-10-400 plus other Allowances as admissible under the rule for a period of three months or till such time his services are required which ever is earlier w.e.f 3.6.2.85 A.N.

dp

Supdt. of Police, CBI/292,
Lucknow.

Certified 27th
May 1985
H. S. Adhikari

Encl. No. 26510

Dated: 15/11

Copy for information and necessary action to :-

1. Accounts Section (A/c-II) In-duplicate.
2. Estt. Clerk-II for necessary action.
3. Shri Girish Kumar Verma, LDC, CBI, Lucknow.
4. P/F of Shri Girish Kumar, LDC, CBI, Lucknow.

Supdt. of Police, CBI/292,
Lucknow.

OFFICE ORDER NO. 201 /85.

Reference no. 127

PS

The services of short duration Kumar Venkateswaran are appointed on an ad-hoc basis for a period of three months on 6.5.85 (EM) to hereby terminate on 6.8.85 (AU).

Subject of Police, CBI/SPB,
Incident.

Date No. 1419 /85/EM/DEC/CBI/LAO. Date 1/8

Copy for information and necessary action to be taken.

1. Accounts section (In duplicate)
2. Short duration EM's Virement, LDC/CBI/LAO.

Notified
Date

your documents

OFFICE OF THE STATE M. D. 202/85.

Supptt. of Police, Cal/APP.
Lucknow.

11

1. Account section (in detail)

Annexure no)

(B)

(A.P.)

Case No. 01255/1985.

In pursuance of Govt. of India, Ministry of Personnel & Training, Administrative Reforms & Public Grievances & Revision, New Delhi's letter No. 6/90-84-Sub-4 dated 22.5.85, the services of Sri Girish Kumar Verma, temporary I.A.S./C.S.I./Lucknow who was appointed on 2.8.85 on an ad-hoc basis vide U.O. No. 202/85 for a period of three months or till such time his services are required whenever is earlier, is hereby terminated w.e.f. 10.10.85 (e.d.).

Certified 27th
Oct 1985
S. P. S. S.
S. P. S. S.

Superintendent of Police, C.S.I./C.S.C.,
Lucknow.

Encl. no. 5789
Date. No. 40/14/85-86/000. Dtd. 10-10-85

Copy for information and necessary action to :-

- (1) Administrative Officer (e), C.S.I./C.S.C., New Delhi.
- (2) the accounts section (in duplicate).
- (3) Sri Girish Kumar Verma, C.S.I./C.S.C./Lucknow.
- (4) S/o of Sri Girish Kumar Verma, I.A.S./C.S.I./I.A.S.

H. C. G. S.

Superintendent of Police, C.S.I./C.S.C.,
Lucknow.

Amesville 108

100

1938

OFFICE ORDER NO. 298 / 1985.

Shri Girish Kumar Verma is appointed temporarily to the post of Lower Division Clerk/ Typist @ Rs.260/-p.m. in the scale of Rs.260-6-290-5-50-5-360-5-5-340-10/- 400/- plus other allowances as permissible under the rules for a period of three months or till such time his services are required whichever is earlier w.e.f. 1.12.65/

Supdt. of Police, CBI/SPB,
Lucknow.

Certified ✓
May 30, 1987

ad. 40. 7033 /Pb/GaV/250/Ch/abu. 1128-12/18

Copy forwarded for information and necessary action to:

Supdt. of Police, U.P. Bldg.,
Lucknow.

Annexure 19
20)

OFFICE ORDER NO.49/1986

In pursuance of Head Office letter No.A-22020/3/86-AD. III dated 21.1.86, the services of Sri Girish Kumar Verma, LDC/CBI/Lucknow who was appointed on ad-hoc basis on 4.12.85 (F.M.) v/s office order No.299/86 for a period of three months or till such time his services are required whichever is earlier, is hereby terminated w.e.f. 7.2.86(A.N.). He will work as C/T maker,CBI,Tiffin Room,Lucknow w.e.f. 8.2.86.

(J.S.Pandey)
Supdt.of Police,CBI/SPE.,
Lucknow.

Endt.No.886-888/40/1/E/86/LKO. Dated:- 7.2.86
Copy forwarded for information and necessary action to:-

*Clerk bldg/1986
on 19/1/86
19/1/86 Date*

1. AO (E)/CBI/New Delhi.
2. Accounts Section (In duplicate).
3. Sri Girish Kumar Verma,LDC.
4. P.F.of Sri Girish Kumar Verma,C/T Maker,Tiffin Room, CBI/Lucknow.

Sd/- 7-2-86
(J.S.Pandey)
Supdt.of Police,CBI/SPE.,
Lucknow.

Annexure No 10

(A32)

28)

No. 1379/40/1/E/86-87/CBI/LKO.
Central Bureau of Investigation,
Special Police Establishment,
7. Nawal Kishore Road, Lucknow.

Dated:- 25.9.86

To

Shri Girish Kumar Verma
C/T Maker, CBI/SPE/Lucknow.

You have been selected for ad-hoc appointment as
Lower Division Clerk on purely temporary basis. Your
services are liable to be terminated at any time without
any notice.

*performed Adt
by 11th Adt*
You are therefore, directed to report to this
office on 25.9.86 positively failing which your selection
will be held void.

M
Supdt. of Police
CBI/SPE/Lucknow.

Annexe no 11

(A 31)

22)

224

Certified and
M. G. C. S.
Date

75601 111 and 4 11-1006

224

Ordre. dated 16. 23 / 1968.

Dated : 31.1.1968.

In pursuance of this office's order No. 276/1/68 dtd 2.12.68, the services of Mr. Girish Kumar Verma, Additional Inspector H.S.C. and Jagjeet Singh, were appointed for 'the afores' due to my terminated work. 31.1.1967 (all).

(Jagjeet Singh)
Additional Inspector C.I.D.P.C.,
Delhi.

Certified & signed
by
Jagjeet Singh
P.I.D.

dated. 479/16/1/68/1968. Dated : 2-2-

Copy sent and for information was necessary action to :-

1. Inspectorate Officer (A), C.I.D., New Delhi with reference to my letter No. 3/3/67 dated 19.1.67 for favour of information.
2. Accounts Clerk-II (in duplicate) / 621/1968/2000.
Contra signed per 8018.
3. Office file No. 46/1/68/1968.

(Jagjeet Singh)
Additional Inspector C.I.D.P.C.,
Delhi.

16/1
2207

3.1.4.1 April 1888 at 25)

TERMINATION OF CONTRACT

Annexure No 13/387. Continued Work
Date 25/4/88

OFFICE NUMBER NO. 97 /1887. (P.B.S)

Shri Gopal Kumar Verma is appointed purely temporarily on ad-hoc basis to the post of Lower Division Clerk/Typist in the scale of 930-20-1150-15-35-1500, plus other allowances as admissible under the rules with effect from 9.2.87(A.M.), until the availability of a regular LDC/Typist from Staff Selection Commission, Allotted or surplus staff cadre. His services can be terminated at any time without any notice or assigning any reason.

Supt. of Police
CSI/CSL/Lucknow

Encl No. 1342 /40/1/1/87/CSI/UKD. Dated: 13-3-87

Copy forwarded for information and necessary action to:-

1. Administrative Officer (a), CSI, New Delhi.
2. Pay & Accounts Officer, CSI, ACCB, Building, New Delhi.
3. Accounts Section (in-duplicate)/CSI/Lucknow.
4. Personal file of Shri Gopal Kumar Verma, LDC, CSI, Lucknow.
5. Shri Gopal Kumar Verma, LDC, CSI, Lucknow.

13-3-87
Supt. of Police
CSI/CSL/Lucknow.

Annexure No. 14

25)

No. 1854 /SP/ CBI/SP/22/CBI/LD.

Dated:-

2/6/89

QUEMAD

With a view to take up the office functioning following office hands are shifted as under with immediate effect:-

1. Mr. Kanchan Bala Gareja, SCS is posted in Establishment Section in place of Sri Moraj Ahmad Khan, ICG.
2. Sri Moraj Ahmad Khan, ICG is posted in Crime Section in place of Sri A.K. Nigam, ICG.
3. Sri A.K. Verma, IIC is posted in Legal Section in place of Mr. K.D. Gangwar.
4. Sri A.K. Nigam, ICG is posted in Despatch Section in place of Shri G.K. Verma.

Superintendent of Police, CBI/SPB,
Lucknow.

Certified to Mr.
2/6/89
Adv.

Copy to the following for information and necessary action to:-

1. Mr. Kanchan Bala Gareja, SCS, CBI/Lucknow.
2. Sri Moraj Ahmad Khan, ICG, CBI, ICG
3. Sri Girish Kumar Verma, IIC, CBI, IIC
4. Sri A.K. Nigam, ICG, Lucknow
5. Sr. P.P., CBI, Lucknow.
6. Dy. Super. of Police (H.)/CBI/Lucknow

J. H. Khan
Superintendent of Police, CBI/SPB,
Lucknow.

Annexure 15

RB3

26

CENTRAL BUREAU OF INVESTIGATION, LUCKNOW

OPTION ORDER NO. 212/1988

The services of Sri Krish Kumar Verma, T.M.C.
appointed vide O.O.No.150/88 is hereby terminated and
he is posted to his original post as Coffee Tea Maker in
CBI, Tiffin Room u.c.f. 3/8/88(A.N.)

Supdt. of Police,
CBI/SPB/Lucknow.

Encl. No. 4002/40/1/E/88-CBI/LKG. Dated: 4/8/88

Certified & Nod
21/8/88
R.P. Verma

Copy for information and necessary action to:-

- 1: Accounts Section, A/C-II and A/C-II/CBI/LKG
(in duplicate).
- ✓ 2: Sri Krish Kumar Verma, C/T Maker, CBI, Tiffin Room,
Lucknow.
- 3: P/F of Sri Krish Kumar Verma.

R.P. Verma
Supdt. of Police,
CBI/SPB/Lucknow.

27)

Annexeure no 16

A30

Central Bureau of Investigation

Order Under No. 220/03

Sri Girish Kumar Verma is appointed purely temporarily on ad-hoc basis to the post of Lower Level in Clerk/Typist in the Scale of 950-20-1150-25-1500, plus other allowances asmissible under the rules with effect from 4/5/00 for a period of 90-days. His services can be terminated at any time without any notice or assigning any reason.

Supt. of Police,
CBI/SPU/Lucknow.

Encl. No. 4222. 10/1/8/84/CBI/LAO. Dc. 10/8/80

Copied to
Supt. of Police
CBI/SPU/Lucknow.

Copy forwarded for information and necessary action to-

- 1: Pay & A.O., CBI, AGM Building, New Delhi.
- 2: Accounts Section, A-c-II (in duplicate)/CBI/LKO.
- 3: PF of Sri Girish Kumar Verma, LSO, CBI, Lucknow.
- 4: DIG/CBI/140 Region, Lucknow.
- 5: Sri Girish Kumar Verma, LSO, CBI, LKO.

Supt. of Police,
CBI/SPU/Lucknow.

To

He may be allowed
The Supdt. of Police, to appear at the
CBI, SPE, Lucknow, written test for
written test for
SCS Scheduled

Sub:- Request for posting as LDC on adhoc basis.

***** On 20.6.85.

Sir,

R. S. S.

I have the honour to submit to your 14/6/85 goodself as follows for your kind and sympathetic consideration:-

1. That I was appointed and posted as LDC in Lucknow Branch on Adhoc-Basis vide this office order No.53/85 dated 18.2.85 consequent to my successful completion of Typing Test and possession of required qualification.

2. That I continued to serve in the aforesaid capacity up till Nov. 1988.

3. That during the aforesaid period I worked with full sincerity and devotion to duty and to the utmost satisfaction of the administration in different sections of this Branch.

4. That I acquainted my self with the working of every section of the Branch.

5. That I was appointed as LDC in place of Sri M.R. Siddiqui, who, interalia, was promoted from LDC to the post of Sr.Clerk Steno on adhoc-basis as the post of Sr.Clerk Steno was vacant in this office.

*Certified copy
for photocopy
of my self*

6. That on joining of Sri A.K. Mallick, Sr.Clerk Steno on the advice of Staff Selection Commission, Allahabad, Sri M.R. Siddiqui was reverted to the post of LDC and consequent to which I was also reverted as C/T Maker since I was working as LDC in place of Sri MR.Siddiqui.

7. That now Sri M.R. Siddiqui has been relieved from this office, the post of one LDC is lying vacant.

*Certified & Verified
from my records
all day 14/6/89
A.K. Verma*

It is, therefore, very humbly prayed that keeping in view my past experience for about 4 years with knowledge of typewriting and well acquaintance with office working, I may kindly be appointed as LDC (on adhoc-basis).

For this act of kindness I and my family shall remain grateful to your honour.

Yours faithfully,

A.K. Verma

(Girish Kumar Verma)
C/T Maker/CBI/Lucknow

Dated:- 14.6.89

Annecy 2019

341

S E R V I C E C E R T I F I C A T E

Certified that Shri Girish Kumar Verma is working in the Office of Central Bureau of Investigation, Special Police Establishment, 7-Nawal Kishore Road, Lucknow Ministry of Department of Personnel & Training (M.H.A.). He is an employee of Central Government and his services are transferable anywhere in India.

1 Certified Fixed
as of 10/3/13
John Doe

R. Khan 28/4/88
Supdt. of Police
CBI: SPE: Lucknow.
1st Floor
C.I.D. of Police.
निवास बाजार, लखनऊ
28/4/88

Supdt. of Police
CBI: SPE: Lucknow.

www.education.com

1. *1979 Balloons*

LAW OF MURDER

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230

No.39021/5/83-Estt.(B)

Government of India,
Ministry of Personnel & Training,
Administrative Reforms and
Public Grievances and Pension,
(Department of Personnel & Training).

New Delhi, the 9th July, 1985.

OFFICE MEMORANDUM

Sub:-

Ad-hoc appointments in Groups A, B, C and D posts -
need for effective control.

In terms of Regulation 4 of the Union Public Service Commission (Exemption from Consultation) Regulations, 1958, it shall not be necessary to consult the Commission in regard to selection for a temporary or officiating appointment to a post if -

- (i) the person appointed is not likely to hold the post for a period of more than one year, and
- (ii) it is necessary in the public interest to make the appointment immediately and a reference to the Commission will cause undue delay.

Provided that -

- (a) such appointment shall be reported to the Commission as soon as it is made;
- (b) if the appointment continues beyond a period of 6 months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission; and
- (c) if such an estimate indicates that the person appointed is likely to hold the post for a period of more than one year from the date of appointment the Commission shall immediately be consulted in regard to the filling up the post.

2. The provisions in the above Regulation clearly stipulate that consultation of UPSC need not be made only if, at the time when the temporary or officiating appointment is made, the person appointed is not likely to hold the post for a period of more than one year. Obviously, therefore, if the vacancy that has arisen is of such a nature that it is likely to last for more than a year, appointment should not be made except in consultation with UPSC.

(13)

- 3 -

5. The situations in which the ad-hoc appointments are made may be of two types :-

(a) Where the Recruitment Rules exist for the posts, and

(b) Where the recruitment Rules for the posts do not exist.

In the cases falling in the first category, in respect of anticipated vacancies on account of factors like superannuation or promotion to the higher rank, the Ministries/Departments concerned should be able to make reference to the Commission at least 4 months, prior to the dates on which vacancies are expected to arise. Where recruitment rules are available and an unanticipated vacancy occurs on account of factors like death, resignation or compulsory/voluntary retirement, and the vacancy cannot be allowed to remain unfilled even for a period of 3 to 4 months, then ad-hoc promotions/appointments can be made by Ministries/Departments, strictly in accordance with the recruitment rules and after observing the procedure for promotion/appointment laid down in the rules, but without consulting UPSC. Simultaneously with such ad-hoc appointment an indent will have to be forwarded to UPSC for regular appointment. It is only then that it can be ensured that ad-hoc appointments are, in fact, ad-hoc in nature, for a purely temporary period, till a regular appointment is advised by UPSC.

6. In so far as the appointments in the second category are concerned, hitherto a view had been taken in terms of para 10 of the Ministry of Home Affairs O.M. dated 26.12.68* that in the absence of recruitment rules laying down definite mode of recruitment for a post, the normal procedure should be that the post is filled up by competitive selection through the Commission. It has been provided in this O.M. that when for some unavoidable reasons delay is anticipated in finalising the recruitment rules for a post, recruitment for that post should be entrusted to the Commission as soon as the post is sanctioned and it is decided to fill it, to enable the Commission to take necessary action for filling it up by competitive selection. In accordance with this procedure, the absence of recruitment rules the only type of regular appointment made was by open advertisement and selection through the Commission. In the absence of recruitment rules, appointment by promotion or transfer on deputation was not being considered and the posts were continued to be filled on ad-hoc basis and with the delay in finalising the recruitment rules such ad-hoc appointments continued beyond the period of one year. Para 5 of the Ministry of Home Affairs O.M. No.39021/35/78-Estt(B) dated 15/25.11.79@ provides that when new posts are created and no recruitment rules have been framed, consultation

* Reproduced on pages 229-231 of Handbook on Recruitment Rules.

34
PECH

Annexure No 24

LATEST

Govt. Orders on Staff Matters

*Copy of O.M. No. 28036/8/87-Estt. (D) dated 30-3-88
from Ministry of Personnel, Public Grievances and Pension
(Dept. of Personnel & Training)*

Sub : Ad-hoc appointment—Revision of Instructions on.

The undersigned is directed to say that instructions have been issued from time to time by the Department of Personnel and Training requesting all Ministries/Departments to fill all posts only in accordance with the prescribed procedure and Recruitment Rules on a regular basis. Consequently, Ministries/Departments are required to ensure that all appointments made on an ad-hoc basis are limited to posts which cannot be kept vacant until regular candidates become available. However, it has been noted that appointments continue to be made on an ad-hoc basis and proposals are being received in this Department for regularisation of these appointments on the grounds that the persons concerned have been working against these posts for a long time. This has led to instances where Courts and Tribunals have directed the Govt. to fix seniority after taking into consideration the period of service rendered on an ad-hoc basis. This unintended benefit of adhoc services has, therefore, been bestowed to a number of persons whose adhoc promotions have made on the basis of seniority-cum-fitness, even though the Recruitment Rules for the post may have prescribed promotion by selection.

2. In view of the position explained above, it has been decided that the Ministries/Departments may not make any appointment on an ad-hoc basis including appointments by direct recruitment, promotion, transfer on deputation etc. The procedure to be followed in circumstances when ad-hoc appointments are presently frequently being resorted to, is explained below :—

(i) Absence of Recruitment Rules

Ad-hoc appointments are frequently resorted to on the grounds that Recruitment Rules for the post are in the process of being framed. In this Departments

J.C.M. Bulletin

35

O. M. No. 39021/5/83-Estt. (B), dated 9th July, 1985, all Ministries/Departments have been advised that if there are overriding compulsions for filling any Group A or Group B post in the absence of Recruitment Rules, then they may make a reference to the Union Public Service Commission (UPSC) for deciding the mode of recruitment to that post. Further action to fill the post may be taken according to the advice tendered by the UPSC. All such appointments will be treated as regular appointments. In the case of Group C and D posts which are outside the purview of UPSC, powers to frame Recruitment Rules without consulting the Department of Personnel and Training have already been delegated to the Administrative Ministries vide this Deptt.'s O. M. No. CD-14017/10/85-Estt. (RR), dated 21st March, 1985. Therefore, no appointment may be made to any post on an ad-hoc basis on the ground that no Recruitment Rules exist for the same.

(ii) **Revision of Recruitment Rules:**

Ad-hoc appointments are also frequently resorted to on the ground that proposals are under consideration to amend the existing Recruitment Rules. The legal position in this regard is that posts are to be filled as per eligibility conditions prescribed in the rules in force at the time of occurrence of the vacancies unless amended Recruitment Rules are brought into force with retrospective effect. In fact, the practice has been to give effect to amendments in the Recruitment Rules only prospectively, except in rare cases. Hence, regular appointment/promotions may be made in all such cases in accordance with the Recruitment Rules in force at the time when the vacancy arises. No ad-hoc appointments/promotions may be made on the grounds that the Recruitment Rules are being revised or amended.

(iii) **Revision of Seniority List:**

*Certified & verified
for publication
by [Signature]
Date [Signature]*

Another reason for making ad-hoc arrangements and delaying regular promotions is that the seniority position of the officer holding the post in the feeder grade is disputed. In all such cases regular DPCs may be held based on the existing seniority list. In case such disputes are pending before a Court/Tribunal, unless there is an injunction/stay order against making regular promotions, the appointing authority may convene the DPC and make promotions on the basis of the existing seniority list. However, while issuing the orders in such cases it should be stipulated that these promotions are provisional and subject to the final decision of the Court/Tribunal. Subsequently, when the directions of the Court/Tribunal become available a review DPC may be held and the necessary adjustments made in the promotions of officers based upon the revised seniority list. In case any of the officers provisionally promoted do not figure in the list approved by the Review DPC they may be reverted to the posts held by them earlier.

(iv) **Shortage in Direct Recruitment Quota**

Ad-hoc appointments are also made on the consideration that adequate number of qualified candidates are not available for filling the vacancies through the direct recruitment quota prescribed in the Recruitment Rules. In some cases, even though the required number of candidates are recommended by the Union Public Service Commission/Staff Selection Commission, some of them do not join or they joint to resign thereafter.

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According to the instructions contained in this Department's O. M. No. 24012/34/80-Estt. (B), dated 20th Feb 1981, while notifying vacancies to recruiting agencies especially the SSC, the appointing authority is expected to compute the total number of vacancies taking into consideration the likely vacancies during the period beginning from the date of announcement of the examination in question upto the date of announcement of the subsequent examination so that the total number of posts to be kept vacant may be very few.

In spite of this, if some vacancies still remain unfilled the following measures may be adopted :—

- a) Wherever feasible, the posts may be allowed to remain vacant until qualified candidates become available at the next examination.
- b) Wherever the Recruitment Rules for the posts provide alternative methods of recruitment i. e. not only by the direct method but also by transfer on deputation, efforts may be made to fill those vacancies which cannot be held over (until candidates of next examination become available), by the alternative methods, i. e. by transfer on deputation etc.
- c) However, in cases where direct recruitment is the only method provided in the Recruitment Rules, Ministries/Departments have been advised vide O. M. No. 14017/8/84-Estt. (RR), dated 19th June, 1986, that the Rules may be amended to provide for transfer on deputation as an alternative method to fill short-term vacancies in the direct recruitment quota. In case the rules have not been amended the Ministries/Departments may take steps to do so immediately so that the shortage of qualified candidates against the DR quota, may be met by filling the vacancies through transfer on deputation for short periods.
- d) Whenever short-term vacancies are caused by the regular incumbents proceeding on leave for 45 days or more, study leave deputation etc, of less than one year duration, they may be filled by officers available on an approved panel. Such a panel may be maintained taking into account not only the actual but also the vacancies anticipated over a period of 12 months in accordance with the existing instructions/holding DPCs. Wherever an officer is not available on an approved panel the post may be kept vacant, as far as possible.

3. If the prescribed instructions and procedures are strictly adhered to, it may be seen that there will be very few cases where appointments need to be made on an ad-hoc basis. Such circumstances may be :—

- i) Where there is an injunction by a Court/Tribunal directing that the post may not be filled on a regular basis and if the final judgement of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- ii) Where the DR quota has not been filled and the RRS also do not provide for filling it up on transfer or deputation temporarily and the post cannot also be kept vacant.

iii) In short terms vacancies due to regular incumbents being on leave/deputation etc. and where the posts cannot be filled as per para 2(v), and cannot also be kept vacant.

4. In such exceptional circumstances ad-hoc appointments may be resorted to subject to the following conditions:

i) The total period for which the appointment/promotion may be made on an ad-hoc basis, will be limited to one year only. The practice of giving a break periodically and appointing the same person on an ad-hoc basis may not be permitted. In case there are compulsions for extending any ad-hoc appointment/promotion beyond one year, the approval of the Department of Personnel and Training may be sought at least two months in advance before the expiry of the one year period. If the approval of the Dep'tt. of Personnel & Training to the continuance of the ad-hoc arrangements beyond one year is not received before the expiry of the one year period of the ad-hoc appointment/promotion shall automatically cease on the expiry of the one year term.

ii) If the appointment proposed to be made on an ad-hoc basis involves the approval of the Appointments Committee of the Cabinet, this may be obtained prior to the appointment/promotion being actually made.

iii) Where ad-hoc appointment is by promotion of the officer in the feeder grade, it may be done on the basis of seniority-cum-fitness basis even where promotion is by selection method as under :—

- (a) Ad-hoc promotions may be made only after proper screening by the appointing authority of the records of the officer.
- (b) Only those officers who fulfil the eligibility conditions prescribed in the recruitment rules should be considered for ad-hoc appointments. If, however, there are no eligible officers, necessary relaxation should be obtained from the competent authority in exceptional circumstances.
- (c) The claims of Scheduled Caste and Scheduled Tribes in ad-hoc promotions shall be considered in accordance with the guidelines contained in the Department of Personnel & A. R. Office Memorandum No. 36011/14/83-Estt. (SCT), dated 20.4.1983 and 30.9.1983.

iv) Where ad-hoc appointment by direct recruitment (which as explained above should be very rare) is being done as a last resort, it should be ensured that the persons appointed are those nominated by the employment exchange concerned and they also fulfil the stipulations as to the educational qualifications/experience and the upper age limit prescribed in the Recruitment Rules.

Where the normal procedure for recruitment to a post is through the employment exchange only, there is no justification for resorting to ad-hoc appointment.

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v) Where the appointing authority is not the Ministry, the Authority competent to approve adhoc appointments may be decided by the Administrative Ministries themselves. The competent authority so authorised by the Ministry should be one level higher than the appointing authority prescribed for that post.

5. Ad-hoc promotions with respect to officers whose cases are kept in a sealed cover in accordance with O.M. No. 22011/2/86-Estt. (A), dated 12.1.1988, will, however, continue to be governed by these special instructions. Similarly, adhoc promotions of officers belonging to the Central Secretariat Service (CCS) to posts of Under Secretary/Deputy Secretary under the Central Staffing Scheme, will continue to be regulated by special instructions contained in O.M. No. 31/16/82-EO (MM), dated 28.8.1983.

6. All adhoc appointments including adhoc promotions shall be reviewed on the basis of the above guidelines. In exceptional circumstances, wherever such appointments are required to be continued beyond the present term, the decision thereon may be taken by the authority prescribed in para (4) (v). However, it may be noted that the continuance of such adhoc appointments including adhoc promotions will be subject to the over all restrictions of one year from the date of issue of these instructions.

7. All Ministries/Departments are requested to take action in accordance with the above mentioned instructions in respect of both Secretariat as well as non-Secretariat offices under them.

8. The receipt of this O. M. may kindly be acknowledged.

*Certified & Bld
for publication
2 May 1988
S. J. S. A.*

In the Hon'ble Central Administrative
Tribunal Circuit Bench Lucknow
बाधालत श्रीमान Abo
महोदय
Review Petition No 657 of ७४

वादी (मुद्र्द्वारा)

मुद्र्द्वारा (मुद्रालेह)

का इन्हें

वकालतनामा

OA No 206 of 89

Union of India through the Home Secretary
Ministry of Home Affairs New Delhi London
In Re. Applicant

Arish Kumar Varma

बनाम

प्रतिवादी रेस्पान्डेन्ट

Union of India & other
न० मुकद्दमा सन् पेशी की तातो १९ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Asif Kumar Chaturvedi
Additional Standing Counsel
Central Govt C.A.T. Lucknow

वकील
Bashin Building, Pandiha, Lucknow
महोदय
एडवोकेट

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरबी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व नगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर - युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कायवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने परोक्तार को भेजता रहूँगा। अगर मुकद्दमा अदम पैरबी में एक दूरफ़ा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

Sub. of Police
E. D. I. S. P. E. A. C. B.
LUCKNOW.

दिनांक

9/8/91

महीना

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