

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 31st DAY OF MARCH 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)
Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION No.1828/86

Smt. Nusrath Akbar Khan
Junior Hindi Translator
Office of the Joint Chief Controller
of Imports & Exports, 7th Floor
Cauvery Bhavan, Bangalore 9 - Applicant

(Sri Ranganath S. Jois, Advocate)

and

1. The Joint Controller of Imports &
Exports, 7th Floor, Cauvery Bhawan
Bangalore 9

2. The Union of India represented by its
Secretary, Ministry of Commerce, Civil
Supplies & Co-operation, Rafi Marg
New Delhi 1

3. Sujan Singh
C/o Smt. Rajani Devi Yadav
R/N H Bala Ramachand Chawal
Jai Hind Nagar, Khar (East)
Bombay

4. The Joint Chief
Controller of
Imports & Exports
No.3, Vijayanarayana
Rao Road, T.Nagar
Madras *cut*

- Respondents

(Sri M.S. Padmarajaiah, Senior C.G.S.C.)

This application came up for hearing before
this Tribunal and Hon'ble Ch. Ramkrishna Rao, Member(J)
to-day made the following

ORDER

This application was initially filed in the
High Court of Karnataka as a writ petition and
subsequently transferred to this Tribunal. The
facts giving rise to the application are, briefly,
as follows.

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2. The applicant, in and by office order dated 14.9.1979 ('OO'), was appointed as a Junior Hindi Translator ('JHT') in the office of the Joint Chief Controller of Imports & Exports ('JCCI&E') - R1. A memorandum dated 4.8.1983 ('memo') was issued by R 1 terminating the services of the applicant consequent on the selection of a candidate by the Staff Selection Commission ('SSC') for appointment as ~~xxxx~~ JHT. Aggrieved by this memorandum the applicant has filed this application.

3. Sri Ranganath S. Jois, learned counsel for the applicant, contends that though his client had worked as JHT for more than four years, her services were terminated; that his client was not made aware of the selection to the post of JHT by SSC by R1; that selection of the candidate by the SSC is illegal and arbitrary ~~x~~ since she was not informed before hand of the contemplated selection to the post of JHT and the memo terminating her services is, therefore, illegal.

4. Sri M.S.Padmarajaiah, learned counsel for the respondents, submits that in the OO it was made amply clear that the appointment was purely temporary and on ad-hoc basis; that there was no obligation on the part of R1 to apprise the applicant of the selection held by SSC; that the applicant, if interested, should have made necessary enquiries in the matter; that wide publicity was given inviting applications for the post of JHT by SSC and in the circumstances, the selection cannot be regarded as arbitrary.

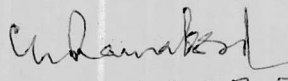
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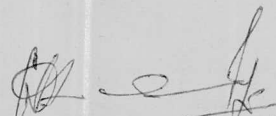
5. We have considered the rival contentions carefully. The meaning of 'ad hoc' given in Webster's dictionary is : for this particular purpose. The meaning given in Black's Law dictionary (5th edition) is: for this; for this special purpose. Thus an appointment on ad hoc basis, as in the present case, conveys the idea that the appointment is only for the time being and for a special purpose e.g. until another person in the normal course is selected and appointed to the post of JHT.

6. In consonance with the etymological meaning of word 'ad hoc' stated above, the Supreme Court in State of Bihar v. Yogendra Singh 1982 SCC (L&S) 142 has held that the tenure of an ad hoc appointee is precarious and such appointee cannot claim to continue in service.

7. We are, therefore, satisfied that the memorandum dated 4.8.1983 does not suffer from any legal infirmity.

8. In the result, the application is dismissed. No order as to costs.


Member (J) 31.3.87


Member (A) 31.3.87