

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 29 JUN 1994

APPLICATION NUMBER: 913 and 921 of 1993

APPLICANTS:

Sri. M. S. Farooq, and other
To.

RESPONDENTS:

vs. Regional Director, Handicrafts
Development Commissioner's Office,
Madras and others

- ① Dr. M. S. Naguraja, Advocate,
No. 11, Second floor, First cross,
Sujatha Complex, Gandhinagar,
BANGALORE - 560009.
- ② The Development Commissioner (Handicrafts)
Ministry of Textiles, West Block,
R. K. Puram, New Delhi - 110066.
- ③ Sri. M. S. Padmarajiah,
Sr. C. G. S. C. High Court Bldg,
Bangalore - 560001

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER~~/, passed by this Tribunal in the above
mentioned application(s) on 16/5 June 94.

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Served
gm

SE Shanmug
DEPUTY REGISTRAR 30/6
for JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 913/93 & 921/93

THURSDAY, THE 16TH DAY OF JUNE, 1994

Shri V. Ramakrishnan ... Member (A)

Shri A.N. Vujjanaradhya ... Member (J)

1. Shri M.S. Farook,
Aged about 49 years,
S/o Shri A. Hameed,
23, 2nd Main, 2nd Cross,
Venkatarangapuram,
Palace Guttahalli,
Bangalore - 560 003.
2. Shri B.N. Shivaprasad,
Aged 55 years,
S/o Shri B.N. Nanjundaswamy,
C-210, Block 21, CPWD Quarters,
2nd Block, Koramangala,
Bangalore - 560 034.

... Applicants

(By Advocate Dr. M.S. Nagaraja)

Vs.

1. The Regional Director,
Office of the Development
Commissioner (Handicrafts),
26, Haddows Street,
Madras - 600 006.
2. The Development Commissioner
(Handicrafts),
Ministry of Textiles,
West Block, R.K. Puram,
New Delhi - 110066.
3. Union of India
represented by
Secretary to Government,
Ministry of Textiles,
Government of India,
New Delhi.

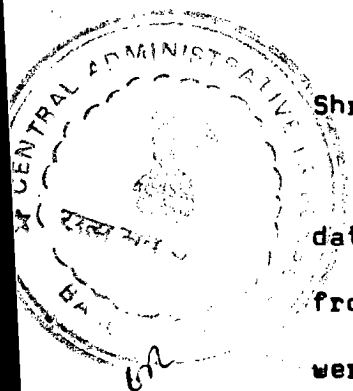
... Respondents

(By Advocate Shri M.S. Padmarajaiah,
Senior Standing Counsel for Central Govt.)

ORDER

Shri V. Ramakrishnan, Member (A)

The applicants are aggrieved by the order of the Department dated 27.9.93 (Annexure A-5) reverting them to their regular posts from the higher posts of Handicrafts Promotion Officer to which they were appointed on ad hoc basis of office order dated 27.3.85 (Annexure A-3).



2. We have heard Dr. M.S. Nagaraja for the applicant and Shri M.S. Padmarajaiah, the learned Senior Standing Counsel. Dr. Nagaraja has referred to some Court decisions and contends that adhoc appointments should not have been continued beyond one year and that there was legitimate expectation on the part of the applicants to be regularised in the higher posts of Handicrafts Promotion Officer, where they were working for over eight years. He also cites the case of Shri Narendra Chadha vs. Union of India (1986 SCC (L&S) page 226). He says on the same analogy of Narendra Chadha's case, the applicants should be taken to have been regularised in the higher posts by deemed relaxation of the recruitment rules by the Department and the order reverting them is bad in law.

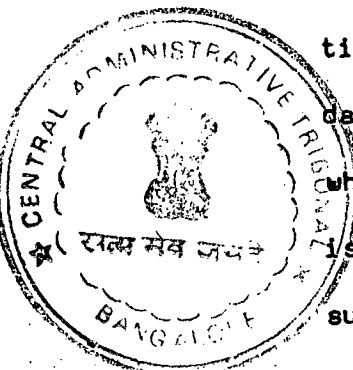
3. Shri Padmarajaiah, however, distinguishes the present case from the case cited by Dr. Nagaraja. He asserts that the order dated 27.3.85 as at Annexure A-3 made it clear to the applicants that they were appointed on an adhoc basis till such time the regular appointments were made to these posts and once such regularisation is done, the applicants have to be reverted back to their basic posts. The appointment was adhoc and did not confer any claim for seniority, etc.

4. The standing counsel mentions that in the case of Shri Narendra Chadha there was a massive departure from the recruitment rules and there the applicants continued for a number of years in the higher posts. In the present case, it was made clear to the applicants that their ad hoc appointments will cease once regular appointments were made. Shri Padmarajaiah further contends that neither the recruitment rules of 1984 nor the recruitment rules dated 17.4.90 as at Annexure A-4 can help the applicants, ^{an} the applicant, are not eligible to ^{be} considered for regular appointments to the post of Handicrafts Promotion Officers under either set of rules.


5. ^{liberally} We enquired as to whether all the posts in the cadre ^{of Handlooms} have ^{been} regularly filled up, the standing counsel informs us that the process is going on at present and it will take some time before it is finalised. In other words, there are some vacancies which are to be filled in accordance with the provisions in the relevant recruitment rules. He states that there are six posts at present in the cadre which need to be filled up on the basis of regular appointment. We note that contention.

6. In the light of the position brought out by the Department, that there are some vacancies in the higher cadre to which regular appointment is still to be made and keeping in view the tenor of the order dated 27.3.85 which specifies that the applicants have to be reverted to the same posts as soon as regular appointments are made in the higher cadre, ^{we} direct that the applicants should be continued in the higher post on ad hoc basis till such time when these posts are filled up on regular basis. The order dated 27.9.93 as at Annexure A-5 pertaining to the applicants which seek to revert them in anticipation of filling up of posts, is quashed so far as it relates to the applicants. Dr. Nagaraja submits that the applicants would like to submit a comprehensive representation to the department for relaxation of the relevant recruitment rules with the request that the applicants may be regularly appointed in the higher grade. If they make such a representation, the department will deal with the matter objectively and on merits within a reasonable time.

7. With the above observations, we dispose of this matter finally with no order as to costs.


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH (A.N. Vujjanaradhya)
BANGALORE

16/01/97
Member (J)


sd -
(V. Ramakrishnan)
Member (A)