

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

Obj. No. 13/97
OA.NOs. 13/97 & 14/97

Monday this the 15th day of December, 1997

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri P.P.Srivastava, Member (A)

1. Pramod Kumar Verma
2. Shailendra Kumar Pandey

formerly employed as Hindi
Typist in the Directorate of
Marine Engineering Training,
Old. C.G.O.Bldg.M.K.Road,
Churchgate, Mumbai.

By Advocate Shri M.S.Ramamurthy

... Applicants

v/s.

1. Union of India,
through the Secretary,
Ministry of Surface Transport,
Transport Bhavan,
1, Parliament Street, New Delhi.
2. Director General of Shipping,
Jahaz Bhavan,
Walchand Hirachand Marg,
Mumbai.
3. The Principal Officer,
Mercantile Marine Department,
Old C.G.O.Building, M.K.Road,
Churchgate, Mumbai.
4. The Secretary,
Staff Selection Commission,
Ministry of Personnel, PG & Pension,
Deptt. of Personnel & Training,
New Delhi.
5. The Regional Director,
Staff Selection Commission,
Army & Navy Building,
M.G.Road, Mumbai.

By Advocate Shri R.R.Shetty
for Respondents No. 1 to 4

... Respondents

O R D E R

(Per: Shri Justice R.G.Vaidyanatha, VC)

These are two applications filed by the applicants for a direction to the respondents to appoint them on adhoc basis as Hindi Typist and for some more consequential reliefs. Respondents have filed reply opposing both the applications. Since the point is very small one, we are disposing of the applications at the admission stage. Heard both sides.

2. It is not disputed that both the applicants in this case were working as Hindi Typists. After termination at the hands of respondents they moved this Tribunal by OA.NO.464/95 & OA.NO. 467/95 to protect their services being terminated. After hearing both the sides, this Tribunal passed a common order dated 12.6.1995 and gave certain directions.

It appears that both the posts occupied by the applicants on ad hoc basis came to an end by 12.6.1995. On 14.5.1995 by virtue of interim order the services had been extended. As soon as the final orders were passed in the previous OAs. on 12.6.1995, the petitioners' termination became operative from 12.6.1995. It appears in the meanwhile the department had made proposal for creation of permanent posts. Accordingly, two posts of Hindi Typists came to be created on permanent basis w.e.f. 15.6.1995 in the two ad hoc posts pertaining to these two cases. Now, it appears the respondents want to fill up the posts by regular selection. That is why both the applicants have come up with these two applications.

3. The applicants' grievance is that if the posts are filled up by adhoc appointment, then their interests are affected. It is well settled position in law that one adhoc appointee cannot be replaced by another adhoc appointee. The applicants were originally adhoc appointees. On newly created permanent posts if respondents want to fill up the posts on adhoc basis, the respondents cannot appoint any other person on adhoc basis unless first they consider the case of the applicants.

4. As far as appointment on regular basis is concerned, it has to be done as per rules. The applicants are entitled to age relaxation in the light of the direction given by this Tribunal in the common order dated 12.6.1995 mentioned above. We, therefore, feel that both the OAs. can be disposed of by giving directions.

5. In the result, both the OAs. are disposed of at the admission stage by following directions :-

- (1) In case the respondents are going to fill up the posts on adhoc basis, then they must consider the case of the applicants first on priority basis and then they should fill up the posts on adhoc basis as per rules.

- (2) In case the respondents want to fill up the posts only on regular basis, then applicants' case should be considered by relaxing age as per the direction given by this Tribunal in the order dated 12.6.1995 in OA.NO. 464/95 & OA.NO. 467/95, as per rules.
- (3) In the circumstances of the case, there will be no orders as to costs.

(P.P. SRIVASTAVA)

MEMBER (A)

(R.G. VAIDYANATHA)

VICE CHAIRMAN

mrj.