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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.A.NO. 22 of 1987

Date of Order: 14-2-1990

M.Ratna Mala

..Applicant

Versus

Joint Secretary (Administration)  
Council of Scientific and  
Industrial Research, New Delhi and  
another

..Respondents

..

For Applicant: Mr.Keshava Rao, Advocate, representing  
Shri B.Nageshwar Rao, Counsel for Applnt  
For Respondents: Mr.Chenna Basappa Desai, Standing Counsel  
for the Department(C.S.I.R).

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C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI D.SURYA RAO: MEMBER(JUDICIAL)

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(Judgment delivered by Hon'ble Shri B.N.JAYASIMHA,  
VICE-CHAIRMAN)

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1. The applicant herein states that after due process of selection she was appointed as<sup>a</sup> Typist on contract basis on 25-10-1983 in the Respondent's Organisation viz., CSIR, Hyderabad. The 1st respondent had from time to time extended the applicant's and other similarly situated Contract employees' services. The applicant states that she worked continuously for and that 3 years without any break, / as per letter dated 17-10-1986 she is entitled to continue till 28-2-1987. However,

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without assigning any reasons, her services were terminated before the expiry of the contract. According to the applicant, the post is still vacant. It is further stated that the other two candidates who were recommended alongwith her are still continuing. The applicant made an application for regularisation, but the same has been rejected by the 1st respondent vide his letter dated 3-12-1986. The applicant, therefore, filed this application seeking a direction for regularisation of her services from the date of her first appointment with all consequential benefits.

2. On behalf of the respondents, a counter affidavit has been filed stating that the applicant was selected purely <sup>on a</sup> temporary adhoc basis and the appointment was contractual. According to the terms of contract, her services could be terminated by giving seven days notice. Accordingly the applicant was on 24-10-1986 told that the contract will be discontinued with effect from 1-11-1986 and therefore the applicant is not entitled to continue in service upto 28th February 1987. It is stated that the usual procedure for filling of regular vacancies was not followed, but the applicant was selected after general assessment made and she was offered contract appointment upto 31-3-1984. This selection does not constitute a regular selection. Due to exigencies of service, the contract service of the applicant was extended from time to time and upto 1-11-1986. It is further stated that there is no sanctioned post of LDC Typist and hence her services were discontinued. The selection was made ~~for~~ <sup>on</sup> a temporary adhoc basis and her

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To:

1. The Joint Secretary(Administration) council of Scientific and Industrial Research, Rafi Marg, New Delhi.
2. The Project officer, counsel of scientific and Industrial Research, Poly Technology Transfer centre, Directorate of Industries compound, Cirag ali lane, Hyderabad.
3. One copy to Mr.B.Nageswara Rao, Advocate, Advocate's Association, High Court buildings, Hyderabad.
4. One copy to Mr.Chennabasappa Desai, SC for CSIR, CAT, Hyd.
5. One spare copy.

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Received on 19/12/78  
19/12

19/12/78  
20/12/78

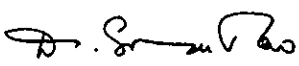
services were discontinued as CSIR Directorate has not permitted continuance of the applicant in an unsanctioned post. It is contended that the applicant cannot claim a right of regularisation of her services on the ground that she worked beyond 250 days. It is also contended that the two other similarly placed contract appointees have also been not regularised. The applicant cannot claim pay and allowances on par with the typists of the other establishments working on regular basis. Hence, the respondents oppose this application.

3. We have heard the learned Counsel for the applicant Shri Keshava Rao, who appeared on behalf of Shri B.Nageshwar Rao, and Shri Chenna Basappa Desai, learned Standing Counsel for the Department.

4. On a consideration of the facts stated, we are unable to accept the contention of the applicant that her services should be regularised. It is not disputed that the sanction for the post expired. However, the learned Counsel for the applicant says that the post has since been renewed. If so, we direct that in the event of the sanction for the post of L.D.C./Typist being renewed, the applicant shall be considered for appointment to the said post in preference to the outsiders. Further, the applicant should also be permitted to apply for a regular post of LDC/Typist in the event of a regular post being advertised, giving her relaxation in age, if necessary. The application is disposed of with the above direction. No order as to costs.

(Dictated in Open Court)

  
(B.N. JAYASIMHA)  
VICE-CHAIRMAN

  
(D. SURYA RAO)  
MEMBER (JUDICIAL)

Date: 14-2-1990