

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

Tues ^{DAY THE} twenty Seventh ^{DAY OF} October,
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN

: PRESENT :

THE HON'BLE MR. B. N. JAYA SIMHA: VICE-CHAIRMAN
AND
THE HON'BLE MR. D. SURYA RAO: MEMBER (Jud.)

ORIGINAL APPLICATION NO. 410/87 ✓

Between:-

P Lakshmi ✓

.....Applicants.

1. The Dy. Director, Central Institute of Fisheries Nautical & Engineering Training Unit, P.B. No. 191, Fishing Harbour, Visakhapatnam, 530001.
2. The Director, Central Institute of Fisheries Nautical & Engineering Training, Dewan's Road, Ernakulam, Cochin, 16.

.....Respondents.

Application under Section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to direct the respondents to regularise the services of the applicant as Junior Clerk with effect from 3-4-1984 by declaring the termination of the appointment on 9.3.1987 is illegal and unjust and declare the break of 3 days (i.e. 10.3.1987, 11.3.87 and 12.3.87) after continuous service of nearly ^{3 years} is also illegal and unjust giving all the consequential benefits of seniority, leave, bonus and medical etc. ~~as otherwise the applicant will suffer irreparable loss and hardship.~~ (P.T.D)

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(ORDERS OF THE TRIBUNAL)

The applicant herein who was appointed selected on 29-3-1984 as Junior Clerk in the Central Institute of Fisheries, Nautical & Engineering Training (CIFNET), Visakhapatnam on ad hoc basis. On 25-4-1984, she was given an appointment order stating that she was appointed as a Junior Clerk on ad hoc basis from 3-4-1984 the fore-noon of 25-4-1984 and that her appointment will be terminated as and when a candidate sponsored by Staff Selection Commission reports for duty or any other permanent group 'D' staff member is promoted and posted in her place. On 9-3-1987, her adhoc appointment was terminated. Again four days later, that is on 13-3-1987, she was appointed as Junior Clerk on ad hoc basis for a period of six months from the fore-noon of 13-3-1987. This order states that the appointment is liable to be terminated without notice and without assigning any reason. The applicant filed this application praying for a direction to the respondents to regularise the services of the applicant as Junior Clerk with effect from 3-4-1984 and to declare

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to 12-3-87
the break of four days from 9-3-1987/as illegal.

At the end of the six months period, the services
of the applicant were terminated.

2. On behalf of the respondents, a counter-affidavit has been filed stating that junior clerks' posts are to be filled by candidates sponsored by the Surplus Cell of the Ministry of Home Affairs or by candidates nominated by the Staff Selection Commission or by promotion from among the eligible group 'D' employees on their qualifying in the departmental examination in respect of posts identified for the group 'D' employees. The entire office comprises of 3 posts of Junior Clerks, one post of Senior Clerk, one Stenographer, one Librarian and one Store-keeper. Since the posts of Senior Clerk and Store-keeper were not filled by promotion due to non-availability of suitable candidates from the feeder cadre, approval was obtained under G.F.R. 77 from the headquarters and the applicant was appointed as Junior Clerk against the post of Senior Clerk through the

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local Employment Exchange. The Counter goes on to state that the three posts of Junior clerks were filled up by candidates sponsored by the Staff Selection Commission / Surplus Cell. Therefore, regularisation of the applicants who were taken on ad hoc basis does not arise. No notice of termination need be given as the services of the applicant can be dispensed with at any time. It was open for the applicant to appear for the Staff Selection Commission Examinations conducted in 1984, 1985 and 1986 and get herself selected and sponsored for the regular appointment. In these circumstances, the applicant has no right for regular absorption as Junior Clerk.

3. We have heard the Learned Counsel for the applicant and Shri N.R. Devaraj, Learned Standing Counsel for the Respondents. The Learned Counsel for the applicant argued that the applicant had worked for three years and has a right for absorption. There is also a Circular of the Home Ministry to the effect that ad hoc employees are to be sponsored by the Department where they are working for appearing

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at the special qualifying examination conducted by the Staff Selection Commission. The Departmental authorities failed to sponsor her for such an examination. The fact that the applicant appeared directly for the Staff Selection Commission's examination between 1984 and 1986 does not in any way take away her right to get sponsored for the Special Qualifying Examination. Shri Devaraj's argument is that the appointment order itself lays down that the applicant's services were liable to be terminated when Staff Selection Commission's candidates become available. The applicant appeared for the S.S.C. examinations directly between 1984 and 1986 and was not selected. There is, therefore, no discrimination in her non-regularisation. S.S.C. candidates/Surplus cell candidates have to get preference over the ad hoc employees in the matter of regular employment.

4. We have considered these contentions. Admittedly, the appointment of the applicant is to be terminated as and when candidates sponsored by the S.S.C. / Surplus Cell become available. The appli-

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cant's services were in fact terminated immediately after the availability of the candidates sponsored by the SSC/Surplus Cell. The applicant did not qualify herself in the examinations conducted by the Staff Selection Commission. We, therefore, find that the applicant has not established any right for regularisation. We see no merit in the application. The application is accordingly dismissed. There will be no order as to costs.

B.N.Jayashimha
(B.N.JAYASIMHA)
Vice-Chairman.

D.Surya Rao
(D.SURYA RAO)
Member(Judl.)

27th October, 1987.

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