

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD

O.A./P.A. NO. 424 OF 1989

V. Prabhudas Patel Applicant(s)

B. Venkateswara Rao Counsel for Applicant(s)

Versus

Salt Commissioner, Rajasthan (Jaipur) & Respondent(s)
3 others

P. Ramakrishna Raju, Sr. CGSC Counsel for Respondent(s)

Date Orders

1-6-89

Admit. Shri Parameswara Rao appearing for Shri P. Ramakrishna Raju, Sr. CGSC represents that there is a connected case viz. O.A. NO. 248/89 wherein the counter is under finalisation. Post for orders on 29-6-89/ as the matter is stated to be covered by the decisions of either Bangalore Bench or Madras Bench.

DKC
M(A)

DSR
π(τ)

*replied
2/6/89*

OA 424/89

SR 424/69
JUDGMENT OF THE TRIBUNAL PREPARED BY HON'BLE SRI D.SURYA RAO,
MEMBER (JI)

The applicant herein is working as Inspector of Salt

in the Salt Department under the Ministry of Industry,

Department of Industrial Development. He was appointed as

Inspector of Salt on 5-9-1980 at Penukaduru Factory, Muthukur

in Nellore District on purely temporary and ad-hoc basis. The

said appointment order was issued by the 2nd respondent after

the applicant's name was sponsored by the Employment Exchange and

his appearing for a written test qualifying himself in the

interview conducted by the Department. Thereafter a Special

Qualifying test was conducted on 25-11-1988. The applicant

was among the 36 ad-hoc Inspectors who had appeared before the

question papers are ~~were~~ inconsistent with the guidelines and

accordingly, the employees Union has made a representation to

the 3rd respondent requesting not to give importance to the

written test. The qualifying test conducted by the department

is not warranted as the applicant was already associated with

screening. The applicants name was not shown in the subject

list, The Applicant made a representation on 8.2.88 that

Ministry of State for Personnel, Pensions and National Service

New Delhi. Is the ~~escapable~~ the 3rd one to be taken?

No. C. No. A. 12021(1) Ad/88/8124-32 dt. 22. 3. 88. to be issued.

services of the Applicant. The Applicant states that he is:

served for more than eight years he cannot be replaced on the

the ground that he ~~had~~ not having ~~qualified~~ ^{since} the ~~unwarranted~~ ~~is unwarranted~~ special qualifying test. He, therefore, states that the proficiency test conducted by the respondents on 25-11-88 is liable to be set aside as also the consequential termination orders dt.22-3-89. ~~The applicant is entitled for re-instatement into service.~~

2. Respondents filed counter stating that after 1-7-1976 ⁰ _L Ministry of ~~State~~ Staff Selection Commission ^{was} set-up and ~~which~~ issued instructions that all Group 'C' Non-technical posts in various Departments/Ministries, and offices of the Government of India should be filled up through this Commission only. Pending placement of requisition and selection of candidates by the Staff Selection Commission, the department has ~~sought~~ ^{resorted} to the recruitment of candidates on purely temporary and ~~an~~ adhoc basis through the employment Exchange. The applicant is one of the candidates nominated by the Employment Exchange, ~~and~~ selected and appointed on adhoc basis. The applicant having ~~been~~ agreed to the terms and conditions of appointment joined in service on 5-9-80. With a view to regularise the appointment of all the candidates including the applicant, the Government of India through Staff Selection Commission conducted a proficiency

test-cum-interview on 25-11-1988 only for adhoc Inspectors

right to the Salt Organisation. It has been made clear to

to the candidates that merely appearing in the Special Qualifying Examination would not entitle an adhoc Inspector of Salt to claim for regularisation of appointment. The applicant appeared for the test. But he and 4 others did not pass the same. Since, the continuance of the adhoc appointees who could not qualify in the Special Qualifying Examination is not desirable, the Department of Personnel and Training vide their lr.No.22013/1/87/Estt.(D) dt.13-2-1989 advised for taking steps to terminate the services of all the five adhoc employees who failed in the test. It is contended that the question papers are not ~~inconsistent~~ ^{dated} with the guidelines. It is further stated that placed adhoc Inspectors of Salt had filed applications in the past before Madras Bench for their regular appointment. and the Central Administrative Tribunal, Madras Bench by Judgment, dt.10-4-87 and 9-7-87 in TA 348/86 and in TA 373/86 had dismissed the said applications. It is further contended that there is no illegality or irregularity in holding the test through the medium of Staff Selection Commission. Therefore the application is liable to be dismissed.

We heard Mr. B. Nageshwar Rao, counsel for applicant and Mr. Parameshwar Rao on behalf of Mr. P. Ramakrishna Raju, Senior Standing Counsel for Central Government.

TO

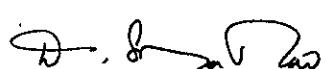
- ✓ 1. Salt Commissioner,
(Rajasthan) Jaipur.
- ✓ 2. Deputy Salt Commissioner,
Madras, P.B. 706, Sastri Bhavan,
Madras - 600 006.
- ✓ 3. Secretary to Staff Selection Commission,
Lodi Road, New Delhi - 110003.
- ✓ 4. Ministry of State for Personnel
Pension & Public Grievances,
New Delhi.
- ✓ 5. one copy to Mr B. Nagerwara Rao, Advocate.
Plot NO. 17, S.B.H. Colony, Asmangadlu,
Malakpet, Hyderabad - 36.
- ✓ 6. one copy to Mr. P. Rama Krishna Rao,
Sr. C.A.C., Hyderabad.
- ✓ 7. one copy to Hon'ble Mr. D.K. Chakravorty, (T) (A)-
C.A.T., Hyderabad.
- ✓ 8. one spare copy.

P78/64
28/6/74

PPNC
28/6/74
2:45 PM

51

The short point is whether the applicant by virtue of having served on adhoc basis for nine years is entitled to regularisation despite the fact that he failed in the Special Qualifying Examination. We have considered an identical question in a connected matter disposed of today viz. O.A.No.248/89. For the reasons given therein we allow this Application and direct that the applicant should be regularised by the competent authority namely the appointing authority on an evaluation of his confidential reports for the last three years. The seniority of the applicant will be governed applying the same principle as in the case of other adhoc salt inspectors who have been regularised as a consequence of passing the ^{Special Qualifying Examination} Staff Selection Commission. In the circumstances there shall be no order as to costs.



(D.SURYA RAO)
Member (J)



(D.K.CHAKRAVORTY)
Member (A)

Dated: 28 th August, 1989.

mhb/

P 69
15/10/89

S. Venkateswaran
Deputy Registrar (J)
17/9/89