

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD

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

V. Prabhudas Paul Applicant(s)

B. Vageswara Rao Counsel for Applicant(s)

Versus

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

P. Ramakrishna Raju, Sr. C.A.S.C. Counsel for Respondent(s)

Date

Orders

1-6-89

Admit. Shri Parameswara Rao appearing for Shri P. Ramakrishna Raju, Sr. C.A.S.C. 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 along with O.A. 248/89 stated to be covered by the decisions of either Bangalore Bench or Madras Bench.

DKC
M(A)

DSR
T(T)

Notice
2/6/89

48
OA 424/89

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 Penugudur 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. ^{It is averred that} The question papers ^{were} ~~are~~ 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 appointed after screening. The applicants name was not shown in the select ^{list} ~~list~~ ^{retained by the Staff Selection Commission}. The Applicant made a representation on 9-2-89 to the Ministry of State for Personnel, Pension and Public Grievances, New Delhi. In the meanwhile the 2nd respondent in his order No.C.No.A.12021(1)Ad/88/8124-32 dt.22-3-89 terminated the services of the Applicant. The Applicant states that having served for more than eight years he cannot be replaced on the

49

the ground that he ^{had} ~~was~~ not having ^{since} ~~qualified~~ the ~~unwarranted~~
 ~~is unwarranted~~ .
 special qualifying test. He, therefore, states that the pro-
 ficiency 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
 ~~Ministry of Staff Selection Commission~~ ^{was} set-up and
 ~~issued~~ ^{with} 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} ~~sought~~ 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

50

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 ^{denied} ~~contended~~ that the question papers are not ~~in~~consistent with the guidelines. ²¹⁻⁶ Further stated that ^{similarly} ~~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 ^{respectively} 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.

^{have}
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 - 110 003.

✓ 4. Ministry of State for Personnel
Pension & Public Grievances,
New Delhi.

✓ 5. one copy to Mr B. Nageswara Rao, Advocate.
Plot NO. 17, S.B.H. Colony, Asmangadh,
Malakpet, Hyderabad - 36.

✓ 6. one copy to Mr. P. Rama Krishna Raju.
Sr. CGSC, Hyderabad.
Hon'ble Mr. D.K. Chakravarty, (M) (A) -
CAT, Hyderabad.

✓ 7. one copy to
✓ 8. one spare copy.

P78626
8/8
4/4/74


PANC.
29/8
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 App.} Staff Selection Commission. In the circumstances there shall be no order as to costs.



(D.SURYA RAO)
Member(J)

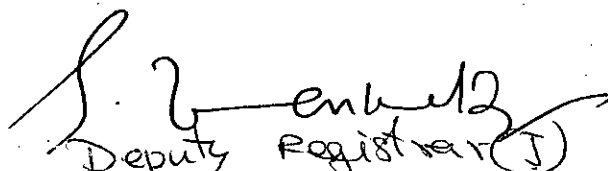


(D.K.CHAKRAVORTY)
Member(A)

Dated: 28 th August, 1989.

mhb/

8694
10/11/89


Deputy Registrar (J)
17/9/89