

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.944/93

Date of Order: 20.9.1993

BETWEEN :

Smt. S. Chenchulakshmi

.. Applicant.

A N D

Directorate of Oilseeds
Research, Rajendramagar,
Hyderabad - 500 030
(Indian Council of Agri.
Research) represented by
its Senior Administrative
Officer.

.. Respondent.

Counsel for the Applicant

.. Mr. G. Bikshapathy

Counsel for the respondents

.. Mr. G. Parameswara Rao

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

4. It is well settled that a temporary servant does not have a right to the post and his/her service can be terminated either in terms of the appointment or in accordance with the relevant rules. In view of this we cannot come to the conclusion that the order terminating the service of the applicant is per-se illegal.

5. Learned counsel for the applicant contends that Sri Nageswara Rao has not been attending office and that the vacancy still exists. However, it is strongly disputed by the respondent's counsel. In view of the rival contentions we consider it just and proper to dispose of this application with the following directions:

- (1) In case there is a vacancy against which the applicant can be absorbed as on today, the respondents will immediately re-engage her.
- (2) In case there is no vacancy as on today but in case vacancy is likely to arise within the next 3 months, as the same is admittedly reserved for ST candidates, the respondents will re-engage the applicant in preference to any fresh candidate. This is so because the applicant had already been duly tested and found suitable for appointment as a Junior Clerk.

6. The application is disposed of in the above terms. There shall be no order as to costs.

CERTIFIED TO BE TRUE COPY
Date..... 10.9.93
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

have shown the vacancy against which the applicant was appointed as that arising on account of one Sri Nageswara Rao being on leave, it was in fact a regular vacancy reserved for ST candidates. Mr. Nageswara Rao who was on leave for a long period joined duty on 7.6.1993 but submitted his resignation immediately thereafter. He, therefore, contends that the vacancy still continued to exist and that the respondents are bound to retain the applicant in the post of Junior Clerk in the existing vacancy.

3. Mr. G. Parameswara Rao, learned counsel for the respondents clarified that in the initial appointment order dt. 9.11.1992 there were several clerical errors. The appointment was only upto 25.1.1993 and even in the notification sent to the Employment Exchange it was clearly mentioned that the appointment of one Junior Clerk was to be made against "a lieu vacancy" and the post was shown as temporary. However, it was wrongly shown in the appointment order that the employee would be on probation for a period of 2 years and that by itself should not alter the nature of the appointment. In other words the contention of Mr. G. Parameswara Rao is that the appointment was purely casual in nature and was meant only for a limited period for which Mr. Nageswara Rao was on leave. The initial appointment of the applicant was temporary up to 25.1.1993 but as the vacancy continued to exist the respondents allowed the applicant to work in the ^{returned} _{vacancy.} As Mr. Nageswara Rao ^{returned} _{retained} to duty the respondents were left with no alternative but ^{to} _{terminating} the applicant's service w.e.f. 7.6.1993.

To

1. The Senior Administrative Officer, Directorate of Oilseeds Research, (Indian Council of Agrl. Research) Rajendranagar, Hyderabad.
2. One copy to Mr.G.Bikshapathi, Advocate, CAT.Hyd.
3. One copy to Mr.G.Parameswar Rao, SC for ICAR.CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. ~~One spare copy.~~

pvm