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IN THE CENTRAL ADMINISTRATIVE TR BUNAL :HYDERABAD BENCH

AT HYDERABAD

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O.A.146/97.

Dt. of Decision : 17-09-98.

Kulkarni Mahesh

..Applicant.

Vs

1. The Secretary, Min. of Health Services, Min. of Heal & Family Welfare, Nirman Bhavan, New Delhi.
2. The Director General of Heal Services, Min.of Health & Fam ly Welfare, Nirman Bhavan, New De hi.
3. The Asst.Director General (St res), Govt. Medical Store Depot, SR Nagar, Hyderabad.

..Respondents.

Counsel for the applicant

Mr.V.V.Prabhakara Rao

Counsel for the respondents

Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESWAR : MEMBER (JUDL.)



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ORAL ORDER (PER HON'BLE SHRI R.RAN ARAJAN : MEMBER (ADMN.)

None for the applicant. Heard Mr.V.Rajeswara Rao, learned counsel for the respondent . As the OA was filed in the year 1997 we are disposing it of under Rule 15(1) of the CAT (Procedure) Rules, 1986.

2. The applicant in this OA was appointed temporary on adhoc basis as Stenographer against the maternity leave vacancy w.e.f., 8-5-90 until further orders <sup>intc</sup> made ~~intc~~ Sr. B. Annapporna, Stenographer proceeded on maternity leave by order No.221 dated 10-5-90 (Annexure-I) He was continued as such until further orders w.e.f., 16-07-90 against short term leave vacancy caused due to grant of EL/Commuted leave to K.G. Nandagopal, LDC by order No.560, dated 30-07-90 (Annexure-2). Thereafter he was continued as temporary on adhoc basis <sup>intc</sup> LDC and was terminated by the impugned order No. Est/P/293/C/10130 dated 6-2-97 (Annexure-3) as there were no other short term leave vacancy <sup>intc</sup> available to continue him.

3. This OA is filed to set aside the impugned order No. Est/P/293, C/10130 dated 6-2-97 (Annexure-3) holding the same as illegal, arbitrary and for a consequential direction to the respondents to regularise the services of the applicant as lower Division Clerk w.e.f., ~~from~~ the date of entry into service i.e., 30-7-90 (Annexure-2)

4. In the reply it has been clearly stated that he has been appointed only on temporary on adhoc basis against the leave vacancy and that he was never posted agains any regular post. The post of <sup>/LDC</sup> Stenographer is filled through the ISC. Hence a temporary on adhoc appointee who is not appointed through SSC cannot demand as a matter of right to regularise his services without being recommended and appointed on the basis of the examination conducted by the SSC.

5. The applicant has not f  
It is to be noted that the post o  
appointed through SSC after under  
The applicant did not undergo any  
over the exigencies of service du  
employees of the department, the ap  
on adhoc basis as Stenographer/LD  
adhoc basis w.e.f., 10-5-90 to 30  
6.

Even though the applica  
basis as Stenographer/LDC that wi  
regularised on that basis. He has  
Hence, it is not possible to gran  
OA. However, the applicant had w  
on adhoc basis as Stenographer/LD  
deducted if he applies in future  
applicant should also be given pr  
adhoc basis if any leave vacan  
to appoint any <sup>or</sup> ~~temporary~~ und

7. In the result, the foll  
1) The applicant if app  
in pursuance of any notification  
relaxation to the extent he worke  
Stenographer/LDC in the departmen

2) If there is need to  
Stenographer/LDC due to grant of  
applicant should be given preferen

8. With the above directio

id any rejoinder in this connection.  
stenographer/LDC are to be  
sing necessary selection tests.  
ich selection tests. But ~~tied~~  
to grant of leave to the regular  
licant was posted purely on temporary  
He had worked as temporary on  
197 <sup>for</sup> 1998 i.e., about 6 years and odd.  
had worked for 6 years ~~as~~ adhoc  
not give him any right to get  
to get selected through the SSC.  
the prayer as asked for in this  
ced for about 6 years temporary

Hence, that services should be  
r purpose of age relaxation. The  
erence for engagement on temporary  
ises in future and there is need  
R-3.

ing directions are given:-  
the  
es for post of Stenographer/LDC  
sued by SSC he should be given age  
temporary on adhoc basis as

gage temporary on adhoc basis as  
ave to the regular employee the  
e over others.

the OA is disposed of. No costs.

*R. S. JAI PARAMESHWAR*  
MEMBER(JUDL.)

*17/9/98*

Dated : The 17th  
(Dictated in the

*R. RANGARAJAN*  
MEMBER(ADMN.)

*pt. 1998.*  
(en Court)

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DA.146/97

**Copy to:-**

1. The Secretary, Min. of Health & Welfare, Nirman Bhavan, New Delhi.
2. The Director General of Health & Welfare, Nirman Bhavan, New Delhi.
3. The Asst. Director General (Stores), Govt. Medical Store Depot, SR Nagar, Hyderabad.
4. One copy to Mr. V.V.Prabhakar Rao, Advocate, CAT., Hyd.
5. One copy to Mr. V.Rajeswara Rao, Advocate, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

21/10/98  
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II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. DAI PARAMESHWAR :  
M(J)

DATED: 17/10/98

ORDER/JUDGMENT

M.R.R.A/T.C.P.NO.

in  
C.A.NO. 146/92

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

-DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

19 OCT 1998

हैदराबाद भायपीट  
HYDERABAD BENCH