

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :HYDERABAD BENCH

AT HYDERABAD

O.A.146/97.

Dt. of Decision : 17-09-98.

Kulkarni Mahesh

..Applicant.

Vs

1. The Secretary, Min. of Health Services, Min. of Health & Family Welfare, Nirman Bhavan, New Delhi.
2. The Director General of Health Services, Min. of Health & Family Welfare, Nirman Bhavan, New Delhi.
3. The Asst. Director General (Stores), 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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ORDER

ORAL ORDER (PER HON'BLE SHRI R.RAM 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 ^{note} ~~vide~~ 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 ^{as} 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 ^{ies} 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) by 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 against any regular post. The post of Stenographer ^{/LDC} is filled through the SSC. 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 filed any rejoinder in this connection. It is to be noted that the post of Stenographer/LDC are to be filled by undergoing necessary selection tests. The applicant did not undergo any such selection tests. But ^{to file} ~~ties~~ to grant of leave to the regular employee of the department, the applicant was posted purely on temporary basis as Stenographer/LDC on adhoc basis w.e.f., 10-5-90 to 30-4-97 i.e., ^{for} ~~for~~ about 6 years and odd.
6. Even though the applicant had worked for 6 years on adhoc basis as Stenographer/LDC that will not give him any right to get regularised on that basis. He has to get selected through the SSC. Hence, it is not possible to grant the prayer as asked for in this OA. However, the applicant had worked for about 6 years temporary on adhoc basis as Stenographer/LDC. Hence, that services should be deducted if he applies in future for purpose of age relaxation. The applicant should also be given preference for engagement on temporary basis in future and there is need to appoint any ^{on} ~~temporary~~ ^{basis} ~~post~~ under R-3.
7. In the result, the following directions are given:-
1) The applicant if appointed as for ^{the} ~~post~~ of Stenographer/LDC in pursuance of any notification issued by SSC he should be given age relaxation to the extent he worked temporary on adhoc basis as Stenographer/LDC in the department.
2) If there is need to engage temporary on adhoc basis as Stenographer/LDC due to grant of leave to the regular employee the applicant should be given preference over others.
8. With the above directions the OA is disposed of. No costs.

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

17.9.98

Dated : The 17th.
(Dictated in the

pt. 1998.
en Court)

(R. RANGARAJAN)
MEMBER (ADMN.)

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DA.146/97

Copy to:-

1. The Secretary, Min. of Health Services, Min. of Heal & Family Welfare, Nirman Bhavan, New Delhi.
2. The Director General of Health Services, Min. of Health & Family 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.

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21/10/98
(7)

TYPED BY
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II COURT

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. JAI PARAMESHWAR :
M(J)

DATED: 17/9/98

ORDER/JUDGMENT

M.A/R.A/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

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

9 OCT 1998

हैदराबाद न्यायपीठ
HYDERABAD BENCH