

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH.

J A I P U R.

O.A. No. 488/93

Date of decision: 14.1.94

MRS. POONAM BATRA

: Applicant.

VERSUS

UNION OF INDIA & ANOTHER : Respondents.

Mr. R.P. Garg : Counsel for the applicant.

Mr. P. Balwada : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

The applicant fulfils all the requisite qualifications and applied in pursuance of the notification issued earlier and passed the written test. Thereafter, she faced the interview/viva-voce and was selected. She was appointed on adhoc basis on 21.8.91 vide Annexure A-4. She is continuing in service upto this date. The respondents had issued the order on 1.3.93 that she will be allowed to continue till the regular selections are made.

2. The respondents have issued a memorandum dated 13.8.93. The qualifications required for the post are the same which were notified earlier in 1991 when the applicant was selected. The post is temporary even now and the appointment is to be made on temporary basis upto 28.2.94 which is likely to be extended like the extensions granted to the applicant earlier.

3. The applicant's main grievance is that she cannot be compelled to appear in the examination and to pass the trade test again once she has already passed the examination including the written test and viva-voce. Her grievance is genuine. Adhoc employee cannot be replaced by an adhoc employee or temporary employee by a temporary employee. The post even now is temporary and the question of appointing regular employee does not arise and the system of selection is the same which was prevalent in 1991. So, we find force

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in the submissions made by the learned counsel for the applicant.

4. We accept the petition to the extent that the petitioner shall not be replaced by any adhoc or temporary employee and she will not be compelled to appear in the trade test which is being conducted in accordance with the Notification dated 13.8.93 (Annexure A-11). The respondents may fill up other posts according to the rules and may proceed with the notification. The regular increments should also be given to the applicant.

5. The O.A. is disposed of accordingly, with no order as to costs.

B.N. Dhundiyal
(B.N. DHUNDIYAL)
Administrative Member

D.L. Mehta
(D.L. MEHTA)
Vice-Chairman