

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

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**ORDER SHEET**

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**ORDERS OF THE TRIBUNAL**

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13.1.2009

OA No. 16/2009

Mr. P.P. Mathur, counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the OA is disposed  
of.

  
(B.L.KHATRI)  
MEMBER (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 13<sup>th</sup> day of January, 2009

**ORIGINAL APPLICATION NO. 16/2009**

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISTRATIVE MEMBER

C.D. Aniyankunju aged about 47 years, son of Late Shri C.N. Damodaran, resident of C-1/5, AWHO, 'C' Pocket, Sector-1 Vidhyadhr Nagar, Jaipur, Rajasthan. Lastly worked as SPA to GOC in C HQ South Western Command, Jaipur.

... Applicant

(By Advocate : Mr. P.P. Mathur)

Versus

1. Union of India through the Secretary, Ministry of Defense, South Block, Central Secretariat, New Delhi.
2. The GOC-in-C, HQ South Western Command, Military Station, Jaipur- Pin 908546, C/o 56 APO.

... Respondents

(By Advocate : -----)

**ORDER (ORAL)**

PER HON'BLE MR.B.L.KHATRI

The applicant has filed this OA thereby challenging the order dated 30.11.2008 (Annexure A/1) whereby his services as SPA (Civil) has been terminated w.e.f. 01.12.2008. Through this OA, the applicant has prayed for the following reliefs:-

- (a) Quash and set aside the termination order dated 30.11.2008 and allow the applicant to continue on the present post of SPA (Civil). The respondent may also be directed to grant all consequential benefits thereto.
- (b) Declare that the applicant has already cleared the selection for the post of regular Stenographer III and

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therefore is entitled to continue on the post of SPA (Civil) on regular basis.

(c) Direct the respondents to issue the appointment order on the post of Stenographer Grade III, with effect from the date he was put in the panel of successful candidates.

(d) Any other order or direction, which this Hon'ble Tribunal deem fit in the facts and circumstances of the case may also be allowed in favour of the applicant."

2. Brief facts of the case are that applicant's ad hoc service as SPA (Civil) has been terminated vide order dated 30.11.2008 (Annexure A/1) without giving him any opportunity of being heard. It is submitted that applicant has also been selected on the post of Stenographer Grade III after due process of selection. However, no formal appointment order has been given to the applicant inspite of the fact that medical fitness certificate has been filed and Police verification has also been completed. After attaining the age of superannuation on 31.01.2007, the applicant retired from the post of SPA (Civil) from the office of Respondent no. 2. After retirement, he was asked to continue on the said post of SPA (Civil) on ad hoc basis though no formal order of ad hoc appointment was issued.

3. Learned counsel for the applicant has invited the attention of the Bench to copies of the order sheets dated 21.05.2007 and 23.05.2007 (Annexure A/7) whereby ad hoc appointment of the applicant was approved. Even though the termination order dated 30.11.2007 (Annexure A/1) was issued to the applicant without giving him any opportunity of being heard.

4. Learned counsel for the applicant has also relied upon the judgement of the CAT, Madras Bench in the case of **M. Krishnan vs. Govt. of India**, SLR 1988 (5) 60, whereby it was held that service of ad hoc employee should not be terminated without affording any opportunity to the employee to represent against the finding of the appointing authority.


5. After hearing the learned counsel for the applicant and perusal of record, I find that applicant has not exhausted the departmental remedies. Therefore, it is considered necessary

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to direct the applicant to file a self contained representation before Respondent no. 2 within a period of fifteen days from the date of receipt of a copy of this order. Respondent no. 2 is directed to dispose of the said representation through a reasoned and speaking order within a period of one month from the date of receipt of such representation.

6. The applicant is also at liberty to represent before the competent authority for the relief to issue the appointment order on the post of Stenographer Grade III. This representation shall also be decided within a period of two months from the date of receipt of the said representation.

7. With these observations, the OA is disposed of at admission stage. However, it is made clear that this order will not prevent the respondents to offer appointment to the applicant on ad hoc/regular basis. No costs.

  
(B.L. KHATRI)  
MEMBER (A)

ahq