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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.A No.348/96

Date of order: 11.8.2000

Naresh Singh, S/o Sh.Ehagwan Singh Rathore, P/o Vill. Mandha, Via  
Rajnota, Distt.Jaipur, Rajasthan.

...Applicant.

Vs.

1. Union of India through Secretary to the Post & Telegraph Deptt,  
Govt. of India, Central Secretariat, New Delhi.
2. Superintendent of Post Offices, Jaipur(M), Mufussial Divn, Jaipur.
3. Banshi Dhar Jat, S/o Shri Changi Ram Jat, P/o Vill.Mandha, Tehsil  
Kotputli, Distt.Jaipur, Rajasthan.

...Respondents.

Mr.C.B.Sharma - Proxy of Shri Rajendra Soni-Counsel for applicant.

Mr.M.Rafiq )-Counsel for respondents.

Mr.Hemant Gupta)

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.F.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative  
Tribunals Act, 1985, the applicant makes a prayer to quash and set aside  
the impugned order dated 20.5.96/12.6.96 (Annx.A6) and to direct the  
respondents to allow the applicant to work on temporary/ad hoc basis  
till his regularisation or till any regularly selected person may  
replace him with all consequential benefits.

2. In brief, facts of the case as stated by the applicant are that he  
was initially appointed on the post of EDEPM w.e.f. 14.8.95 vide order  
dated 4.9.95 and the services of the applicant was extended from time to  
time vide order dated 16.11.95, 10.1.96 and 3.6.96. It is stated that  
the services of the applicant were through out satisfactory but his  
services were terminated and new person Shri Banshi Dhar Jat. was  
appointed on the post vide the impugned order dated 20.5.96/12.6.96. It

is stated that the impugned orders are arbitrary and illegal and it is well established by the principle of law that no temporary/adhoc employee can be replaced by another adhoc employee. Therefore, the appointment of respondent No.3 is illegal and arbitrary and the impugned orders as mentioned above are liable to be quashed and set aside. Therefore, the applicant filed the O.A for the relief as mentioned above.

M 2. Reply was filed. In the reply it is made clear that respondent No.3 was a regularly selected candidate, his name was approved for regular appointment on the post of EDBPM, hence he was given regular appointment vide the impugned orders. It is also stated that name of respondent No.3 was registered with the Employment Exchange and his name was sponsored by the Employment Exchange for consideration on the post and after fulfilling all the formalities, he was found fit and he was selected. It is further stated that the applicant was working purely on provisional/ad hoc basis which was only an urgent and temporary arrangement and his services were liable to be dismissed when regular appointment is made and the applicant has no claim for appointment to the post. Therefore, the applicant has no case for interference by this Tribunal and the O.A is devoid of any merit and liable to be dismissed.

3. Heard the learned counsel for the parties and also perused the whole record.

5. Admittedly the applicant was appointed as EDEPM Mandha on provisional/temporary basis. On the perusal of the order of appointment, it appears that it was merely a stop gap arrangement till the regularly selected candidate takes over the charge/post. It is also not disputed that respondent No.3 was a regularly selected candidate after completing the regular process of selection and he was appointed on the post vide order Annx.A6. Merely that the applicant has worked on the post on adhoc/provisional/temporary basis or as a stop gap arrangement does not entitle the applicant to remain on the post and on this basis alone the applicant is not entitled to regularisation. According to the rules made

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for recruitment of ED Agents, when the ED Agents are recruited and if the applicant is also participating in the selection and found meritorious in the process of selection, then only he has a right to selection. But in the instant case, the applicant did not participate in the selection at all and he claims regularisation on the basis of the work done provisionally/ad hoc/temporary basis which was merely a stop gap arrangement.

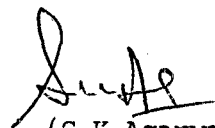
7. In view of the facts and circumstances of this case, we are of the considered opinion that neither any weightage can be given to the experience gained by the applicant nor the applicant is entitled to regularisation on the post. Since regularly selected candidate has already been joined on the post, the applicant has no case for interference by this Tribunal. Therefore, this O.A is devoid of any merit which is liable to be dismissed.

8. We, therefore, dismiss the O.A with no order as to costs.



(N.P.Nawani)

Member (A).



(S.E.Agarwal)

Member (J).