

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Decision : 24.5.2002

O.A. No. 552/1997.

Vimlesh Pareek son of Shri Hanuman Sahai Pareek, aged about 24 years, resident of Plot No. 60, Krishna Colony, Naya Kheda, Amba Bari, Jaipur.

... APPLICANT.

v e r s u s

Union of India through the Director, National Commission for Scheduled Castes and Scheduled Tribes, State of Rajasthan Office, C-29, Lal Kothi Scheme, Behind S.M.S. Stadium, Jaipur.

... RESPONDENTS

Shri Manish Bhandari counsel for the applicant.
Shri Bhanwar Bagri counsel for the respondents

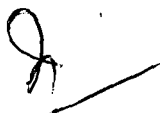
CORAM

Hon'ble Mr. M. P. Singh, Administrative Member.
Hon'ble Mr. J. K. Kaushik, Judicial Member.

: O R D E R :
(per Hon'ble Mr. J. K. Kaushik)

Vimlesh Pareek has filed this Original Application for quashing and setting aside the impugned order dated 23.12.1997, with a further direction to the respondents that the applicant should not be discontinued from service.

2. The brief facts of the case are that the applicant's name was sponsored through Employment Exchange for temporary appointment of stenographer in the Jaipur office of the respondent in the year 1996. The respondents conducted a selection and a panel of three candidates was prepared. The name of the applicant was placed at Sr. No. 3 . The



candidates whose names were appearing at Sr. No. 1 and 2 of the panel worked only for few months and they resigned from service. Thereafter the applicant was appointed on the post of English Stenographer on 02.01.1997. It has been said that the appointment was extended from time to time and the last order was issued on 29.09.1997. Vide order dated 29.09.1997 (Annexure A-3), the applicant was ordered to be appointed on ad hoc basis on the said post of Stenographer for a period of 89 days or till the selected candidates becomes available, whichever is earlier. Thereafter, another notification was issued on 23.12.1997, by which the names were called for appointment on the post of English Stenographer for a period of 89 days. The applicant has challenged this notification as on the ground that the said notification is ex facie illegal and there was no reason to replace the applicant by another ad hoc candidate. The working of the applicant was found to be satisfactory and the applicant was required to be continued in service.

3. The respondents have filed a detailed reply to the Original Application and have also taken a preliminary objection. They have taken the objection that the appointment of the applicant was for a specified fix period and the same could be terminated on expiry of the said period without assigning any reason and such

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terms and conditions were acceptable to him. The applicant is a stenographer in Hindi whereas, the requirement of the department is Stenographer Group-D in English for a smooth functioning of the office. There was no regular post of Stenographer in the respondent department. The applicant was also given chances to learn English Stenography, by way of continuing him in service, but he failed to do so. Nextly he has not availed the alternative remedy. In reply to the Original Application, it has been mentioned that there was no integrity in refresh requisition and that was only for 89 days and for English Stenographer. The applicant is only a Hindi Stenographer. He could not have any claim for appointment on the post of English Stenographer. Further there has been no regular post for Stenographer. The applicant has also filed a rejoinder to the reply of the respondents and has mainly repeated the stand taken in the Original Application. Thereafter, the respondents have also filed an additional reply to the Original Application. It has also been mentioned that as per the Government orders no ad hoc appointment or promotion could be made beyond one year as per the Government of India Instructions dated 04.06.1998 (Annexure-R,A-4). In view of this the applicant could not be continued in service.

4. We have heard the learned counsel for the



parties and perused the record of the case.

5. During the arguments, it has been brought to our notice that the services of the applicant were terminated on completion of a period of 89 days, somewhere in the end of December, 1997. Learned counsel for both the parties have argued the matter in detail and laid stress on the averments made in the pleadings on behalf of the parties. It is borne out from Annexure A-2, dated 02.01.1997, that the appointment of the applicant was on ad hoc basis for a period of about 89 days. It was further extended and the last extension was 29.08.1997 which ended ~~xxxxxx~~ on 21.12.1997. Thus the appointment was for a fixed period and on completion of the period the services of the applicant was dispensed with. There was no requirement of giving any notice for compensation to the applicant. Nextly since there is no sanctioned post, there is no question of regularising the person. Learned counsel for the applicant has placed reliance in the case of Pyara Singh (AIR 1991 SC 2130), and has argued that an ad hoc employee should not be replaced by any ad hoc. But these objections have been met by the learned counsel for the respondents inasmuch as it has been argued that the department needed a stenographer in English and the applicant was only knowing Hindi Stenography. Thus, there is no question of replacing him.



6. In view of the aforesaid discussions, we are of the considered opinion that the applicant was appointed for a fixed period and the same came to an end by flex of the time. He has not been replaced by any person inasmuch as that impugned requisition was only for engaging a Stenographer in English and not Stenographer in Hindi. Therefore, we do not find any infirmity in the action of the respondents. Thus, the impugned orders dated 23.12.1997 (Annexure A-1), is neither arbitrary nor unreasonable and cannot be faulted with the same.

7. In this view of the matter, we do not find any arbitrariness, infirmity or illegality in passing of the impugned order dated 23.12.97 (Annexure A-1). The Original Application merits dismissal and we do so accordingly. No order as to costs.


(J. K. KAUSHIK)

MEMBER (J)


(M. P. SINGH)

MEMBER (A)