

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 26/7/2001

OA No.484/99

Ramesh Chandra s/o Shri Pratap Singh r/c village Chuwali, Distt. Ferozabad (UP) at present working as Storekeeper-cum-Accounts Clerk, Carpet Weaving Training Centre, Sewar, Distt. Bharatpur.

..Applicant

Versus

1. The Union of India through the Secretary, Ministry of Textile, New Delhi.
2. The Development Commissioner (Handicrafts), West Block No.7, R.K.Puram, New Delhi.
3. The Assistant Director (Adm. and Coord.) Service Centre, Kalwar Road, Jhotwara, Jaipur
4. In Charge, Carpet Weaving Training Centre, Sewar, Distt. Bharatpur, Raj.

.. Respondents

Mr. J.K.Yogi, proxy counsel to Mr. Praveen Balwada, counsel for the applicant

Mr. Sanjay Pareek, counsel for the respondents

CORAM:

Hon'ble Mr. A.K.Mishra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Singh, Administrative Member

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant, Ramesh Chandra, has prayed for a direction to the respondents to regularise the applicant on the post he is working and to provide him regular services.

Gopal Singh

2. Applicant's case is that he was appointed on the post of Storekeeper-cum-Accounts Clerk on ad-hoc basis by respondent No.1 vide order dated 20.11.1984 and he was allowed scale of pay of Rs. 260-400 and other allowances. The respondent Department has abruptly discontinued the services of the applicant vide order dated 29.9.1999 (Ann. Al). The contention of the applicant is that he has served the Department for about 15 years satisfactorily and his services have been terminated without any notice to him for defending his case and thus, the termination is illegal. It is also pointed out by the applicant that persons junior to him have been regularised and promoted, the applicant has been ignored. Thus, there is a discrimination. Feeling aggrieved, the applicant has filed this application.

3. It is pointed out by the respondents that initial appointment of the applicant in the year 1984 was not in accordance with the rules and since the appointment was on ad-hoc basis, there has been no illegality in terminating his services vide order dated 29.9.1999. It is also pointed out by the respondents that at the time of initial appointment itself, the applicant was over-age and though his case was taken up with the Department of Personnel and Training, regularisation of the applicant has not been agreed to. In the circumstances, the respondents had no alternative but to dis-continue the services of the applicant. Therefore, it has been contended that there has been no infirmity in the action taken by the respondents and the application is devoid of any merit and is liable to be dismissed.

4. We have heard the learned counsel for the parties and perused the record of the case carefully.

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5. It is not disputed that the applicant had been serving in the Department only on ad-hoc basis from 1984 to 1999. It is also not denied that the applicant was over-age at the time of his initial appointment itself. It is also not contended by the applicant that regular process of selection was adopted while appointing the applicant on ad-hoc basis. Had there been regular process of selection, perhaps the applicant would not have been selected, he being over-age at that time. Thus, the applicant was appointed de-hors the rules and, in our opinion, cannot claim regularisation. We have gone through the departmental file, extracts of which have been produced before us. The respondents Department had tried its best to convince the Department of Personnel and Training in the matter, but to no avail. Fact remains that at the time of his initial appointment, the applicant was over-age and, therefore, his case could not be considered for regularisation. In these circumstances, we are of the view that the application is devoid of any merit and deserved to be dismissed.

6. The OA is accordingly dismissed with no order as to costs.

Gopal Singh
(GOPAL SINGH)

Adm. Member

A.K. Mishra
26/7/2001
(A.K. MISHRA)

Judl. Member