

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 22.03.02

OA No.118/2002

Jai Prakash Sharma s/o Shri Ramavtar Sharma r/o Plot No.31, Nanu Nagar, Mulipura, District Jaipur, last employed on the post of Lower Division Clerk in the office of Regional Director, Employees State Insurance Corporation, Jaipur

..Applicant

Versus

1. Director General Employment, State Insurance Corporation, Panchdeep Bhawan, Kotla Road, New Delhi.
2. Regional Director, Employees State Insurance Corporation, Panchdeep Bhawan, Bhawani Singh Road, Jaipur

.. Respondents

Mr. C.B.Sharma, counsel for the applicant

...

CORAM:

Hon'ble Mr. H.O.Gupta, Member (Administrative)

Hon'ble Mr. J.K.Kaushik, Member (Judicial)

ORDER

Per Hon'ble Mr. H.O.Gupta, Member (Administrative)


The applicant is aggrieved of the order dated 4.2.2002 (Ann.A1) whereby his prayer to work against the post lying vacant with the respondent No.2 has not been accepted. In relief, he has prayed for quashing the said order and for appropriate directions to the respondents to allow him to work on the post of Lower Division Clerk



(LDC) on ad-hoc basis till the vacancies are filled.

2. The case of the applicant as made out, in brief, is that having been sponsored by the Employment Exchange and having been selected based on type-test and interview, he joined the post of LDC in the pay scale of Rs. 950-1500 on 20.2.95. His appointment was on ad-hoc basis for 3 months and thereafter extended from time to time till his services were terminated on 26.10.1998. The respondents started terminating services of similarly placed persons on the ground of availability of regular selected candidates and non-availability of vacancies. His services were also terminated vide order dated 26.10.1998 (Ann.A7). He approached the Tribunal by filing OA No.434/99 and the Tribunal dismissed the OA vide their order dated 5.9.2001 with certain observations. Similarly placed persons which were holding the post like that of the applicant are allowed to work on ad-hoc basis based on the order of the Tribunal dated 4.9.2001 in OA No.418/98.

3. Heard the learned counsel for the applicant at length. During the course of arguments, the learned counsel for the applicant brought to the notice of the Tribunal the observations in Paras 10 and 12 of the order dated 5.9.2001 of this Tribunal passed in his OA No.434/99 and submitted that based on the observations of the Tribunal, the respondents should have given him service on ad-hoc basis since the posts are vacant and yet to be filled from regular candidates. He also submitted that although the applicant's OA was dismissed, like similarly placed persons, the applicant should also be allowed to




continue on ad-hoc basis.

3.1. We find from our order dated 5.9.2001 that there was no direction to the respondents to continue the applicant on ad-hoc basis till such time regularly selected candidates are appointed. The O.A. was dismissed being devoid of merit. The Para 10 and 12 of the order relied upon by the applicant state as under:-

"10. The learned counsel for the applicant during the course of argument has also submitted that vacancies of LDCs are still with the respondents' department (Employees State Insurance Corporation, Jaipur) and the applicant can be retained in service till regularly selected candidate joins. In this connection, we can only say that this order does not come in the way of the respondents if they appoint the applicant as LDC on temporary/ad hoc basis till regularly selected candidate is made available.

12. This order shall not preclude the respondents to appoint the applicant on the post of LDC on ad hoc/stop gap arrangement, if there are vacancies exist."

Accordingly, the contention of the applicant that the impugned order has been issued without taking into consideration the observations of the order of the Tribunal is not correct. Having agitated his grievances in OA No.434/99 and got the order which has attained finality, the applicant can not rely on a order in some other case.



3.2 We also find from Para 10 that the learned counsel for the applicant has already argued on the issue of continuation of the applicant on ad-hoc basis till such time the vacancies are regularly filled. He cannot again agitate the same issue and seek the same relief through this OA.

4. In view of above facts and circumstances of this case, we are of the view that the applicant's case has no merit. We do not think that the case should be prolonged by issue of notice to respondents. Accordingly, this OA is dismissed at the admission stage itself.


(J.K.KAUSHIK)

Member (Judicial)


(H.O.GUPTA)

Member (Administrative)