

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
CIRCUIT AT INDORE**

O.A. NO.505/2002

Indore, this the 13th day of August, 2003

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

HON'BLE SHRI R. K. UPADHYAYA, MEMBER (A)

Navin Bhate S/O Madhukar Bhate,
R/O 54 Chandrabhaga Main Road,
Juni Indore, Indore (MP).

... Applicant

(By Shri C.B.Patne, Advocate)

-versus-

1. Union of India through
Secretary to the Government of India,
Department of Atomic Energy,
Mumbai.

2. Director,
Centre for Advanced Technology,
Rajendra Nagar, Indore 452013 (MP).

3. Shri Piyush Sakharia,
Lower Division Clerk,
Centre for Advanced Technology,
Rajendra Nagar,
Indore-452013 (MP).

... Respondents

(By Shri Vivek Saran, Advocate)

ORDER (ORAL)

Hon'ble Shri R.K.Upadhyaya, Member (A) :

This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed seeking direction to respondents 1 and 2 to reinstate the applicant in service on the post of Lower Division Clerk (LDC) with all consequential benefits, after quashing the letters dated 25.5.2000 (Annexure A-23) and 29.9.2000 (Annexure A-25). The

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impugned letter dated 25.5.2000 (Annexure A-23) has been passed in pursuance of the order of this Tribunal dated 14.12.1999 in OA No.594/1999.

2. It may be recalled that the name of the applicant was sponsored by Employment Exchange, Indore, for the post of LDC. He was issued appointment order dated 3.2.1998 (Annexure A-5) on the post of LDC on ad hoc basis for a period not exceeding 89 days, after having been found suitable in the selection. The claim of the applicant is that he was treated as regularly appointed LDC. He has even extended medical treatment facilities available to the employees. It is also claimed that his appointment was extended beyond 89 days from time to time. The ~~last~~ ⁱⁿ applicant claims that he worked with the respondents from 8.12.1998 to 6.1.1999. However, his services stood terminated as per letter dated 6.1.1999 (Annexure A-18). By this letter dated 6.1.1999 applicant was informed that his ad hoc appointment as LDC was up to 6.1.1999. Therefore, he stood relieved of his duties with effect from the said date, i.e., 6.1.1999. The claim of the applicant is that he was regularly appointed by following recruitment procedure and he was eligible for being regularized on the post of LDC and that, therefore, the order of relief from the post of LDC was unjustified and the same deserved to be quashed.

3. The learned counsel of the applicant at the time of hearing stated that subsequently others have been appointed which indicated that there were vacancies with the respondents. He also invited attention to the advertisement (Annexure A-26) for two posts of LDCs reserved for

Concurrence

ST candidates. According to him, there was still need for services of the applicant and, therefore, the termination of his services was not justified.

4. The respondents have opposed the prayer of the applicant and have filed a reply. It is stated that Employment Exchange was asked to sponsor the names to fill up the posts of LDCs on ad hoc basis as per *requisition* dated 6.3.1997 (Annexure R-1). The enclosed information with this requisition clearly indicated that the vacancies were only for a period of 89 days. The Employment Exchange was specifically requested to inform the candidates about this short term vacancy position. According to the respondents, the procedure similar to appointment of regular incumbents has been adopted by the Centre as a measure of fairness and in order to avoid any allegations of arbitrariness and favouritism. Candidates who were found suitable in the written test were also interviewed personally. The applicant was one of the candidates short-listed against vacancies meant for general candidates. It is also stated that when there was a vacancy the applicant was offered appointment as per letter dated 3.2.1998 (Annexure R-7). This offer of appointment clearly indicated that the appointment on the post of LDC was on ad hoc basis and this appointment did not confer any preferential right or claim for future appointment against any regular or temporary vacancy of LDC. According to the respondents, the applicant accepted the terms of appointment as can be seen from the acceptance letter dated 9.2.1998 (Annexure R-8). The impugned order dated 25.5.2000 has been issued in pursuance of the order of the Tribunal dated 14.12.1997 in OA No.594/1999. The applicant's representation has been disposed of by a

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speaking order in terms of the directions of the Tribunal. The learned counsel of the respondents stated that the ad hoc appointment does not bestow any right in favour of the applicant for continued appointment regularization on the post of LDC. However, he fairly stated that if there are vacancies in future and if the applicant applies for such vacancy he could be considered along with other candidates for appointment on the post of LDC.

5. We have heard the learned counsel of parties and have perused the material available on record carefully.

6. There is no dispute that the applicant was eligible for being appointed as LDC. However, his appointment was for a specific period on ad hoc basis till a regular incumbent was appointed. In spite of our request to place on record, the recruitment rules for the post of LDC, neither side has placed the same on record.. However, it is admitted position that the applicant was sponsored by Employment Exchange to fill up the post of LDC on ad hoc basis for a specified period. It is also evident from the facts on record that the offer of appointment was for a specific period with a clear stipulation that such an appointment would not give any preferential claim to the applicant for future appointment or regularization on the post of LDC. In our view, the ad hoc appointment if not done by following regular recruitment procedure, will not confer any rights in favour of the applicant for continued appointment or regularization. As already pointed out, the recruitment rules have not been placed on record. Therefore, it is not known whether the procedure followed in this case was the same as followed in the case of regular

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appointment to the post of LDC. The total period of appointment of the applicant is also not very significant which may call for indulgence of this Tribunal. However, it is observed that the applicant will be entitled for age relaxation to the extent of period of service rendered by him with the respondents in case there is vacancy in future for which the applicant applies. Apparently, the applicant is not a candidate of ST community for which the respondents have placed advertisement. The applicant belongs to general category and there is nothing on record to suggest that any such recruitment has taken place. In case any short term vacancies have been filled up by the respondents, the applicant might not have applied for the same or his name might not have been sponsored by the Employment Exchange. Therefore, he cannot make a grievance about such a short term vacancy, if any.

7. For the reasons mentioned in the preceding paragraph and on the facts of this case, no relief as claimed by the applicant can be granted. This OA is accordingly disposed of without any order as to costs.

R. K. Upadhyaya
(R. K. Upadhyaya)
Member (A)

S. Raju
(Shanker Raju)
Member (J)

/an/

पूर्णकाल सं ओ/न्या..... जनरल दि.....
पुलिलिंग इन्डोरे -
(1) श्रीमि. उच्च न्यायालय न्याय एवं विधि विभाग, जनरल
काउंसल
(2) अधिकारी श्री/श्रीमती/कुमा..... के काउंसल
(3) प्रदर्शनी श्री/श्रीमती/कुमा..... के काउंसल
(4) अधिकारी, नोडल, नियोजित विभाग
राज्य एवं अन्तर्राज्य विभाग

C. B. Patne *Adly Jndore*
V. Sarana *Adly Jndore*

26/8/03