

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 2652/2016

This the 8th day of August, 2016

Hon'ble Shri K.N. Shrivastava, Member (A)

Sh.Naval Kishore Sharma, Age 71 years
S/o Sh.Ram Jevan Sharma,
R/o House No.1092,
Gandhi Gali
Fatehpuri
Delhi-110006.

.... Applicant

(By Advocate: Shri N.A. Sebastian)

Versus

1. The Additional Director General,
Publications Division
Ministry of Information and Broadcasting,
CGO Complex, Sookna Bhawan
New Delhi-110003

2. The Secretary
Ministry of Information and Broadcasting,
"A" Wing, Shashtri Bhawan
New Delhi-110001.

..... Respondents

ORDER(ORAL)

This OA has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985. The applicant has prayed for following reliefs:-

" It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to direct the Respondents to regularize the services rendered by the Applicant in the services of Respondent No.1 since the year 1988, place him in an appropriate pay scale and release all his retirement benefits including gratuity, pension etc."

2. The brief facts of the case are as under:

The respondents in the year 1998 advertised the post of Proof Reader to be appointed on contract basis. The applicant applied for the said post and was selected. He has been continued in the same post on contract basis since then. He, however, has been craving for regularization.

3. The applicant approached this Tribunal earlier in OA-3425/2015 in which he had prayed for identical reliefs as under:

" It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to direct the Respondents to regularize the services rendered by the Applicant in the services of Respondent No.1 and also to place his in an appropriate pay scale."

4. The OA-3425/2015 was disposed of by the Tribunal vide order dated 15.09.2015 with following direction:

"4. In the circumstances, the O.A. is disposed of at the admission stage, without going into the merits of the case, by directing the respondents to consider the representation dated 9.1.2015 of the applicant and to pass appropriate speaking and reasoned orders thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs."

5. Pursuant to the orders of the Tribunal dated 15.09.2015 in OA-3425/2015, the Deputy Director (Admn) working in the office of respondent No.1 vide impugned Annexure-A order dated 02.12.2015 has turned down the request of the applicant for regularization of his service. It is submitted on behalf of the respondents that the applicant is not eligible for any terminal benefits and pension at par with a regular employee.

6. Aggrieved by the impugned Annexure-A order, the applicant has filed the present OA.

7. This case is came up for admission on 08.08.2016. Shri N.A. Sebastian, learned counsel for the applicant was heard briefly. It was noticed that as directed by this Tribunal, vide order dated 15.09.2015 in OA-3425/2015, the respondent No.1 has given due consideration to the representation of the applicant dated 09.01.2015 seeking regularization of his service. The respondent No.1 has turned down his request vide Annexure-A order dated 02.12.2015 which is a speaking order. The order clearly states that the post of Proof Reader was to be filled up on contract basis. It was made clear to him at the time of appointment itself, that his appointment is purely on contract basis. His request for regularization of service and for grant of terminal benefits and pensionary benefits to him at par with a regular employee has been declined.
8. In view of above, I do not find any infirmity in the impugned Annexure-A order. The OA is thus dismissed. No order as to costs.

(K.N. Shrivastava)
Member(A)

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