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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

OA/350/445/2018

Date of Order: 14.05.2018

Coram : Hon'ble Mrs. Manjula Das, Judicial Member

Sri Jay Prakash Rajak, son of Arjun Rajak, by faith- Hindu, by occupation - worked as Hindi Typist, under Tourism Kolkata, Ministry of Tourism, Govt. of India, and residing at : 179/S, Kalighat Road, Kolkata - 700026.

---Applicant

-Versus-

1. The Union of India, through the Secretary, Ministry of Tourism, Deptt. of Tourism, Govt. of India, Transport Bhawan, 1, Parliament Street, New Delhi 110001.

2. The Regional Director (East), Ministry of Tourism, Govt. of India, India Tourism Kolkata, 4, Shakespeare Sarani, Kolkata 700071.

---Respondents.

3. Sukomal Gupta, LDC, Dipika Das, Sandipta Das, IT, Kolkata 71.

---Private Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. A.K. Chattopadhyay, Counsel

ORDER(Oral)

Per : Mrs. Manjula Das, Judicial Member:

The applicant, being aggrieved due to termination from the office of the respondent authorities, has prayed for the following reliefs:

- (a) "To issue direction upon the respondents to consider representation, dtd. 22.03.18 for Hindi Typist Post on regular basis where the same similar circumstanced candidate has been regularised by the authority, namely, Sri Sukomal Gupta, Smt. Dipika Das forthwith. The applicant is also same similar circumstanced candidate may be regularised.
- (b) To issue further direction upon the respondents to give Hindi Typist post according to letter, dtd. 24.10.2008, where specifically mentioned that Sri Umesh Paswan is still holding Hindi Typist post, unless Sri Paswan is promoted on regular basis against the regular vacancy of UDC or vacate the post of Hindi Typist, otherwise, any regular appointment would be made against this post. Now, Sri Umesh Paswan is regularised w.e.f.



15.05.17, letter dated 18.05.2017. So vacancy is available in Hindi Typist, the applicant case may be considered for Hindi Typist on regular basis forthwith.

(c) Any other order or further order or orders as deem fit and proper under the circumstances stated in above paragraphs of the matter.

(d) To produce Connected Departmental Record at the time of Hearing. ”

2. Ld. counsel for the applicant and respondents were heard and materials on record were perused.

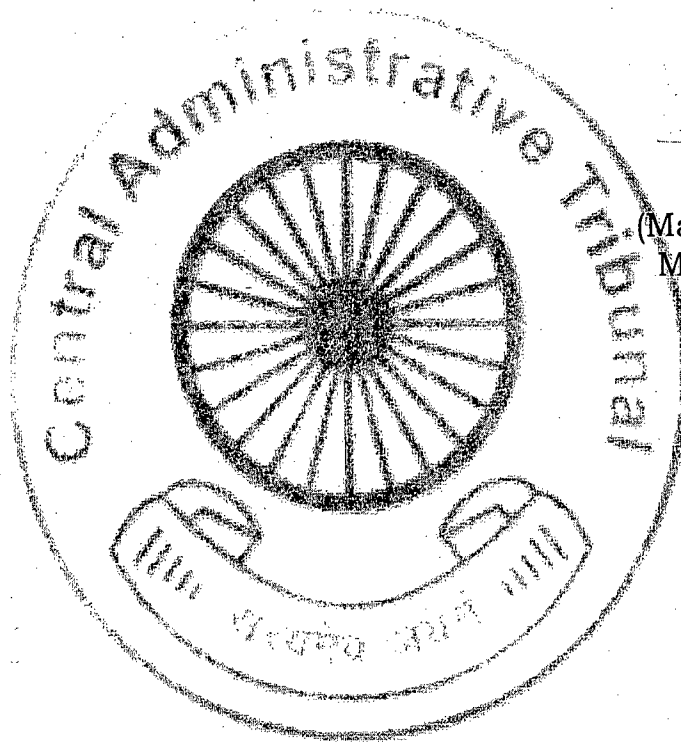
3. With reference to the representation dated 4.8.2008 in pursuance of the order dated 24.07.2008 passed by this Tribunal in O.A No. 728/2008, the respondents passed the speaking order dated 24.10.2008. Para 3 & 8 of the said speaking order are extracted below:

“ 3). The Recruitment Rules for the post of Hindi Typist provide that the post should be filled up through SSC only. The candidate, who qualifies through the open competitive exam conducted by SSC, is eligible to be given offer for appointment after completing the necessary formalities. In the instant case a copy of the Recruitment Rules for the post of Hindi Typist is enclosed. The Recruitment Rules in Govt. of India is framed under Article 309 of the Constitution of India and accordingly any recruitment/appointment in the grade other than the method specified therein would amount to violation of the said Statutory Rules.

8). As per para 7 of DOP&T OM dated 23.7.2001, continuation of ad-hoc appointment beyond one year require the prior approval of Department of Personnel & Training. Since, in the case of Jay Prakash Rajak no such approval has been taken, therefore, his services as Hindi Typist stands terminated with immediate effect.”

4. From the perusal of the aforesaid paras, it is noticed that the applicant was appointed through employment exchange on adhoc basis, whereas as per recruitment rules of the Department as evident in the Speaking Order dated 24.10.2008, the post of Hindi Typist should be filled up through SSC only and therefore, no such approval had been taken from Department of Personnel & Training for continuation of adhoc appointment of the applicant as per para 7 of DOP&T OM dated 23.07.2001

5. Since the respondents terminated the service of the applicant by following the rules of DOP&T, as such, I do not find any logic to entertain the present case. Accordingly, the O.A stands dismissed. No costs.



(Manjula Das)
Member (J)