

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...  
**REVIEW APPLICATION NO.063/00058/2017 IN  
ORIGINAL APPLICATION NO.063/00803/2018**

**Chandigarh, this the 19<sup>th</sup> day of November, 2018**

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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &  
HON'BLE MS. P. GOPINATH, MEMBER (A)**

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Kalpana W/o Sh. Naresh Kumar, aged 43 years, Ex-Librarian, O/o Urdu Teaching & Research Centre, Saproon, Solan (H.P.) R/o Village Bhanat, P.O. Ghatti, The and District Solan, H.P.

**...Review Applicant**

**(Present: Applicant in person)**

**Versus**

1. Union of India through the Secretary, Government of India, Ministry of Human Resources Development, Department of Higher Education, D.IV (L), Shastri Bhavan, New Delhi -110001.
2. The Director, Central Institute of Indian Languages, ministry of Human Resources Development, government of India, Department of Higher Education, Manasagangotri, Mysore - 570006.
3. The Principal, Urdu Teaching and Research Centre (Central Institute of Indian Languages), Ministry of Human Resources Development, Government of India, Department of Higher Education, Saproon, Solan, H.P. 173211.

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**Respondents**

**(Present: Mr. K.K. Thakur, Advocate)**

**ORDER (Oral)**

**SANJEEV KAUSHIK, MEMBER (J)**

1. The present R.A. has been filed by the applicant seeking review of order dated 18.09.2017 passed by this Court.
2. Heard the review applicant, and perused the pleadings filed by the parties.
3. Applicant has sought review of order dated 18.09.2017, whereby the O.A., filed by the applicant seeking continuation of her services, was disposed of with a direction to the respondents that if they fill up the post which the applicant was holding, at earlier

point of time, then age shall not be a bar for consideration of her name and weightage be also given to her for working with them for 14 years.

4. Applicant argued that since she was appointed through employment exchange for the post of Librarian/Asstt. Librarian, and has been working for the last 14 years, therefore, she cannot be disengaged at this stage. She contended that since the letter communicated to her for appointment by the Employment Exchange mentioned that she has been appointed for the post of Librarian, and she continued as such for last 14 years, therefore her services should be continued and regularized as Librarian/Asstt. Librarian.

5. On the other hand, learned counsel for the respondents submitted that there is no sanctioned post of Librarian/Asstt. Librarian and the applicant was appointed as a resource person, not Librarian, on daily wages basis, as mentioned in her appointment letter. Her services are no longer required in the department, therefore, she has been dis-engaged, and none has been appointed against the post of Librarian/Asstt Librarian in the department as there is no such sanctioned post.

6. We have perused the offer of appointment letter issued to the applicant by the department which clearly indicates that her appointment was purely temporary, as a resource person, on daily wages basis. It neither mentions that she has been appointed as a Librarian/Asstt librarian, nor does it talk about her appointment against any sanctioned post. The communication sent by Employment Exchange to her mentioning about her appointment as Librarian does not have any sanctity. It is only the appointment

letter detailing the terms and conditions of her appointment, which is relevant in the case of employment. On our direction, the Director of the Institute came present in the Court and he also made a categorical statement that there is no sanctioned post of Librarian/Asstt. Librarian in the Institute. A perusal of the affidavit filed in this regard also made it clear that there is no sanctioned post of Librarian/Asstt. Librarian in the Institute, and the applicant was appointed only as a resource person, purely on temporary basis, @ Rs. 175/- per day. Therefore, when no regular sanctioned post exists in the department, then the claim of the applicant for appointment against such post is quiet baseless and holds no ground.

7. In view of the above, the RA is dismissed being devoid of any merit.

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**Dated:19.11..2018**

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