

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.3261 of 2017

Orders reserved on : 20.03.2019

Orders pronounced on : 09.04.2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

1. Neelam Dhar,
Sr. Research Fellow (on contract)
Aged about 31 years,
d/o Sh. Murli Dhar,
R/o Room No. 5, Building No.-101,
Small Re-d Light, Choti Chupal,
Old Post Office Gali, Mahipalpur,
New Delhi-110037.
2. Rahul Kumar,
Research Associate (on contract)
Aged about 32 years,
S/o Sh. Surendra Singh,
R/o House No.-180,
Room No.15, B-Block,
Masoodpur, New Delhi-110070.
3. Yogesh Kumar,
Sr. Research Fellow (on contract)
Aged about 37 years,
S/o Sh. Balwant Singh,
R/o D-10, Ganesh Nagar, Pandav Nagar,
Complex, New Delhi-110092.
4. Isha Pruthi,
Sr. Research Fellow (on contract)
Aged about 29 years,
D/o Sh. Dr. N.K. Pruthi,
R/o 673, Mansarovar Colony,
Muzaffarnagar, UP – 251001.
5. Nayana ED,
Research Associate (on contract)
Aged about 33 years
D/o Sh. Devaraj,
R/o House NO.-11 KB Colony Phase=II,
Sector-6, New Delhi-110022.

6. Anjum Varshney,
 Sr. Research Fellow (on contract)
 Aged about 34 years,
 D/o Sh. R.B. Varshney,
 R/o RZ-6K, House No.-554, Street No5,
 Indra Park, New Delhi.

....Applicants

(By Advocate : Shri M.K. Bhardwaj)

VERSUS

1. Union of India
 Through its Secretary,
 Ministry of Agriculture,
 Krishi Bhawan, New Delhi.
2. The Director,
 Plant Protection Advisor,
 Department Agriculture, Cooperation & Farmers
 Welfare,
 Directorate of Plant Protection Quarantine & Storage,
 NH 4, Faridabad-121001.
3. The Director,
 Govt. of India,
 M/o Agriculture
 Department Agriculture, Cooperation & Farmers
 Welfare,
 NPQS,
 Directorate of Plant Protection Quarantine,
 Rangpuri, New Delhi-37
4. The Dy. Director, National Plant Quarantine & Storage,
 NPQS, Govt. of India, Min. of Agriculture,
 Directorate of Plant Protection Quarantine,
 Rangpuri, New Delhi-110037.

.....Respondents

(By Advocate : Shri Gyanendra Singh and Mr. Satish Kumar)

O R D E R

Ms. Nita Chowdhury, Member (A):

By filing this OA, the applicants have sought for the following reliefs:

- “(i) To quash and set aside the impugned Advertisement (Annexure A-1) and letter dated 10.08.2017.
- (ii) To declare the action of respondents in replacing the services of applicant by appointing another set of contractual employees as per advertisement (Annexure A-1), as illegal, arbitrary and unjustified and direct the respondents to continue the services of applicants till their regularization or appointment of regularly recruited Sr. Research Fellow & Research Associate as per RRs.
- (iii) to direct the respondents to continue the applicants as Sr. Research Fellow & Research Associate on contract basis with all consequential benefits.
- (iv) To allow the OA with exemplary costs.
- (v) To pass any such other order as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

2. The facts of the case are that the applicants are working as Senior Research Fellow (SRF) and Research Associates (RA) on contract basis since 2011 onwards by getting extension from time to time in the respondents’ organization. They are aggrieved by the impugned advertisement dated 10.8.2017 (Annexure A-1) whereby walk-in-interview for engagement of 36 RAs and 32 SRFs purely on contractual basis was proposed to be held on 16.9.2017. Therefore, the apprehension of the applicants is that they will be replaced by another set of contractual employees, which is not permissible in law.

3. At the time of admission, after hearing the learned counsel for the applicants, this Tribunal while issuing notices

to the respondents directed to the respondents to maintain the status quo, which is still in force.

4. The respondents have filed their reply and drew our attention to the terms and conditions of appointment of the applicants, few of which are as under:-

1. The appointment will be on contract basis;
2. The assignment/appointment shall be terminated on completion of sanctioned period; and the appointment being purely temporary can be terminated within 24 hours notice;
3. The incumbent was required to submit an undertaking that he would not approach any court of law in case his/her services are terminated and also would not ask for any service benefit for any equivalent post.

4.1 The respondents have further stated that the applicants have no cause of action as their services have not been terminated as yet. They further stated that the impugned advertisement issued by the respondents does not preclude the applicants to apply for the said posts, rather under the apprehension that they will not be selected, they have chosen not to appear in the said walk-in-interview. This presumption of the applicants has no legs to stand as to why they would not be considered/selected, if they are otherwise eligible.

5. We have heard Mr. M.K.Bhardwaj, counsel for applicant and Mr. Gyanendra Singh and Mr. Satish Kumar, counsel for respondents, perused the pleadings available on records.

6. Having gone through the pleadings, it is amply clear that the present OA deserves to be dismissed being misconceived as the cause of action has not arisen to the applicants to challenge the impugned advertisement. Moreover, the applicants have no inherent right to be continued on the posts held by them indefinitely as their appointment is only on contractual basis as has been held by the Hon'ble Apex Court in ***Uma Devi*** case.

7. Coordinate Bench of this Tribunal at Calcutta while dealing with the similar matter in OA No.1279/2017 decided on 7.9.2017 has held as under:-

5. On being questioned Ld Counsel for the applicants fairly submitted that apprehending some coercive action on the part of the respondent authorities, the applicants have rushed to this Tribunal. However, she fairly submitted that the applicants are willing to file individual representation addressed to respondents No. 23, 4 & 5, pinpointing the judgments rendered by the Principal Bench as well as other Benches and different Courts, within a period of 2 weeks from today and if any such representation is preferred within 2 weeks from today, then the respondents will consider the same keeping in mind well settled law and educational qualification, experience, etc. and pass a reasoned and speaking order and communicate the same to the individual applicants within a period of six weeks thereafter.

6. I also make it clear that the respondents are free to allow the applicants in walk-in interview scheduled to be held on 16.9.2017 if they are found otherwise eligible. Status quo as on date will be maintained.

8. Learned counsel for the respondents vehemently argued that those who have appeared in the interview based on their performance and meeting educational requirement got selected by the Selection Committee. Therefore, the apprehension of the applicants for non-selection is totally baseless. Moreover, the applicants have acted contrary to the rules and regulations and chosen not to appear in the said interview and sought to approach this Tribunal without having any cause of action.

9. In view of the above facts and circumstances of the case, we find no merit in the contentions of the applicants and the OA is accordingly dismissed. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

/ravi/