

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 1411/2003

New Delhi, this the 21st day of January, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Ms. Sushma Tyagi
D/o Late Sh. J.P.Tyagi
R/o B-72, Jawala Nagar
Baghpat Road, Meerut City
Meerut (UP).

...Applicant

(By Advocate Sh. S.K.Gupta)

V E R S U S

Union of India through

1. Secretary
Ministry of Defence
South Block, New Delhi.
2. Deputy Director General
(Military Farms)
Quarter Master General's Branch
Army Headquarters, West Block No.III
R.K.Puram, New Delhi-110 066.
3. Officer-in-Charge
Military Farm (Records)
Delhi Cantt.-110 010.
4. Officer-in-Charge
Military Farm
Mawana Road, Meerut.

...Respondents

(By Advocate Sh. M.K.Bhardwaj
for Sh. A.K.Bhardwaj)

O R D E R (ORAL)

Shri Sarweshwar Jha,

Heard. This OA has been filed against the applicant not being allowed to perform duties against the post of Computer Operator after 31-3-2003.

2. On perusal of the facts, as submitted by the applicant, it is observed that she claims to have been appointed to the said post on 21-12-99 and continued in the said post till 31-3-2003. The respondents appear to have employed the applicant in the office of respondent No.4 on a fixed salary of Rs.3000/- p.m. which was subsequently raised to Rs.5000/- p.m. The applicant seems to have taken the position that on the basis of her having worked with the



respondents since 1999, she should have been regularised against the said post. She has claimed that she had a right to continue in the office of the respondents (respondent No.4) up to the period the work was available in the said office or till such time that her case for regularisation was considered by the respondents on the creation of a vacancy as per Govt. of India's Instructions. She has further claimed that the respondents have wrongly treated her appointment as on job basis, whereas, she was treated as a daily rated casual worker and accordingly she is entitled to get salary on the basis of the scale of pay for the post. She has also referred to the provisions relating to continuous working for 240 days in each year in order to become eligible for regularisation against the post and has pleaded that her case deserves to be considered for regularisation against the said post.

3. Incidentally, the respondents have not issued any formal orders for not allowing the applicant to perform duties after 31-3-2003 ; they appear to have given some oral orders in this regard, as claimed by the applicant. The respondents, however, have very clearly submitted that the applicant was engaged by them on job basis for a particular purpose and with a clear understanding that her services would be put to an end after achieving the object as stated in their letter dated 10-11-1999. They have complained that she has not approached the Tribunal with clean hands inasmuch as she has concealed the fact that Computer Operator was required in the office of the respondents for a particular period only and not on regular basis. In fact, the respondents have clarified that the applicant has been engaged by them to make their staff familiar with the functioning of computer. They have also complained that the



applicant, to pursue her case as raised in the present OA, has removed copies of official documents by violating Secrecy of Official Documents Act. They have pointed out that the applicant should have been aware of the fact that she was working in a defence establishment where provisions of the said Act had to be respected more meticulously. By this alleged act of the applicant, the respondents have submitted that she has become a doubtful entity in the eyes of law and cannot be allowed to enter the Govt. office in the interest of official secrecy. On the question of giving a small raise in the monthly emoluments of the applicant from Rs.3000/- to Rs.5,000/-, the respondents have explained that it was done due to increased cost of living and the applicant cannot claim regularisation on this ground only against a non-existing post. According to them, she has been paid according to the quantum of work discharged by her. They have dispensed with the services of the applicant only after the regular staff in the respondents' organisation have become competent to do work on computer on their own.

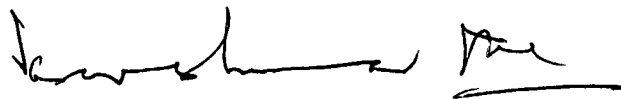
4. Having regard to the facts as submitted by both the sides, it is apparent that the applicant had been employed by the respondents for a limited purpose and it was for that reason that she had been engaged on a fixed emolument initially on Rs.3,000/- p.m. and subsequently enhanced to Rs.5000/- p.m. It is also quite obvious that there was no post against which she was employed. As soon as the purpose of familiarising the staff with the application of computer was over, they have dispensed with the services of the applicant. The claim of the applicant that she should be regularised against a group 'C' post on the basis of her having rendered 240 days' service does not appear to be well founded for the reason that regularisation against job based work which happens to be a part of group 'C', establishment



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is normally not permissible and such assignments terminate with completion of the assignments or with achievement of the objective for which the engagement had been given. To mix up this arrangement with regularisation of service against Group 'D' post on the basis of 240 days of work is not correct. It also has to be borne in mind that initially the engagement had been given to the applicant with a very clear understanding that her services will be put to an end after achieving the object as stated in their letter dated 10-11-99 (Annexure A-1).

5. I accordingly do not find any merit in the case of the applicant as submitted in the OA and, therefore, I am not inclined to allow the same. This OA, accordingly, is dismissed being devoid of merit.



(Sarweshwar Jha)
Member (A)

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