

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1570 of 2003

M.A. No.1310 of 2003

New Delhi, this the 24th day of July, 2003

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Ms. Pooja Verma
83-A, Street No.11,
East Azad Nagar,
Delhi-51.
2. Ms. Ritu,
WZ-384, Tihar Village,
Near Ashok Nagar,
Near Masjid,
New Delhi-18.
3. Shri Hemant Nagi,
1819, Laxmi Bai Nagar,
New Delhi-110023.
4. Shri Ravinder Singh,
2/361, Subhash Nagar,
New Delhi-27.

.....Applicants

(By Advocate : Shri V.S.R. Krishna)

Versus

Union of India through:

1. The Central Vigilance Commissioner,
Government of India,
Satarkata Bhawan,
INA, New Delhi-23.
2. The Deputy Secretary (Admn.)
Central Vigilance Commissioner,
Government of India,
Satarkata Bhawan,
INA, New Delhi-23.

....Respondents

(By Advocate : Shri R.V. Sinha)

O R D E R

Shri Govindan S. Tampi:

Heard S/Shri V.S.R. Krishna and R.V. Sinha,
learned counsel for the applicants and for the
respondents respectively.

MA 1310/2003

MA 1310/2003 for joining is allowed.

h
2



OA 1570/2003

Applicants, four in number, are presently working as Stenographer Grade 'D' on ad hoc basis in the office of Central Vigilance Commission, having been appointed in 1991-2001 on the basis of requisition from the Employment Exchange and after successfully passing the test conducted for the said posts. The applicants possess all the requisite qualifications and are eligible for recruitment in terms of the Recruitment Rules (RRs) framed for the posts of Stenographer Grade 'D'. The offer of appointment dated 7.8.2000 to the applicants had indicated that their appointment was purely on ad hoc basis for three months and was a stop gap arrangement and liable to be terminated as soon as a regular candidate is nominated by the Staff Selection Commission (SSC). The appointments have been made against the clear vacancies and in tune with the provisions of the RRs. In spite of its being termed as a stop gap arrangements, the same was in fact one of permanent nature and the services of the applicants had been continued though with technical breaks. As the individuals had been appointed after due selection, there was no reason as to why they could not have been regularised by providing relaxation, if need be. The applicants apprehend that their services would be discharged w.e.f. 30.6.2003 by bringing other individuals on deputation from other Govt. departments. This is being done to deny the applicants the right for the regularisation which they

h2

have come to acquire, having worked in the respondent - organisation for more than three years and that too in a satisfactory manner.

2. The grounds raised by the applicants in this OA are that : (a) the inaction on the part of the respondents in regularising the applicants in spite of their having been duly selected and appointed on being sponsored through Employment Exchange was unfortunate and improper; (b) after having continuously worked for three years with them though with technical breaks, the applicants have come to acquire a right for being considered for regularisation. While it is true that the original appointment orders referred to the same as ad hoc appointment, the appointment was being continued for nearly three years and, therefore, the applicants have better claim for regularisation; (c) as the orders of their appointments had clearly stipulated that their engagement would continue as long as candidate(s) from the SSC become available, there is no justification or ground for the respondents for requisitioning the services of deputationists to men the posts which the applicants have been holding; and (d) it cannot be the case of the respondents that they did not require the services of the Stenographers in their organisation, as the deputationists are being called for. This is only to deny the applicants who had put in nearly three years of service.

②

3. During the course of oral submissions, Shri V.S.R. Krishna, learned counsel appearing for the applicants, points out that the move of the respondents is to take either deputationists or persons on loan basis even from outside organisations like Punjab National Bank, the names of few persons who are being brought in on loan basis are also indicated by him. He further points out that while the applicants cannot have any right against the persons, who may be appointed on regular basis through SSC, and they would have to vacate the position when such regular appointee(s) arrive, the services of the applicants cannot be dispensed with before such regular appointees join or by bringing deputationists or persons on loan basis. In fact, the respondents should naturally and normally consider the regularisation of those persons like the applicants in the interest of justice. Shri Krishna also refers to the decision of the Tribunal in the case of Dr. Sangita Narang Vs. Delhi Administration (1988 Vol. 6 ATC 405) in support of his pleas.

4. Stoutly opposing the pleas made by the applicants and endorsing the points raised by the respondents, Shri R.V. Sinha, learned counsel appearing for the respondents, points out that the respondent - organisation had ~~been~~ appointed Stenographers/Lower Division Clerks on ad hoc basis/stop gap arrangement in terms of the powers vested under Rule 9 of the Central Vigilance

Commission (Staff) Rules, 1964 on sponsorship from Employment Exchange on account of no nomination by the SSC, or non-joining of candidates sponsored by the SSC. These appointments are purely temporary and stop gap-arrangements and liable to be terminated as soon as the regular candidates are nominated by the SSC, when no scheme for regularisation for the ad hoc appointee. In the instant case, the applicants had been appointed on ad hoc basis but were continued far beyond three months and upto 30.6.2003. The respondents have already received from SSC the nominations in respect of seven stenographers (three in Grade 'C' and four in Grade 'D') and have already issued an offer of appointment to them. In fact three Grade 'C' Stenographers have already joined. In the expiry of the terms of the appointment and on receipt of the nomination from the SSC, the respondents are justified in dispensing with the services of the applicants. The applicants have no right to hold on to the posts and cannot seek to continue in the employment of the respondents forever nor do they have any right for regularisation. No such Scheme had been framed by the respondents to regularise the services of the ad hoc employees. The applicants cannot have any case and OA is liable to be dismissed, pleads Shri Sinha.

5. We have carefully considered the matter and perused the documents brought on record. The applicants are, in this case, who have been selected

functioning as Grade 'D' Stenographers in the respondent - organisation - Central Vigilance Commission. The relevant appointment orders specifically mention that the appointments are ad hoc in nature for a period of three months and was a stop gap arrangement. It has also been mentioned that either on termination of the period or the nomination of the regular candidates of the SSC, these appointments are to be terminated. However, these ad hoc appointments have been continued till 30.6.2003. According to the respondents, as they have received the nominations from the SSC for the posts of Grade 'C' Stenographer and Grade 'D' Stenographer, the applicants cannot expect that they should be continued in service. The applicants had, however, apprehension that the move of the respondents was to replace the services of the applicants by deputationists or those brought on loan basis has no basis. It is clear that those who are appointed on ad hoc basis and as a stop gap arrangement would have to vacate the position as and when the regular appointees join. The terms of appointment in the case of the applicants indicate that the appointment would be terminated as soon as regular candidate is nominated by the SSC. It would thus appear that the nomination from the SSC is sufficient to dispense with the services of the ad hoc appointees. While the applicants as ad hoc appointees cannot have the right to continue after the regular appointed candidate join, it would not be proper to dispense with their services before the regular

appointed candidates do arrive. As has been pointed out by the Tribunal, duly upheld by the Hon'ble Supreme Court in Dr. Sangita Narang's case (supra), the ad hoc appointees cannot be replaced by another set of ad hoc appointees and they should be replaced only by regularly appointed candidates. Moreover, as the work is still available with the respondents, till the regularly selected Stenographer arrive from SSC to man the posts, which are presently occupied by the applicants on ad hoc basis, their services could be continued.

6. However, the applicants request that their having joined the organisation on the basis of a selection after having been sponsored by the Employment Exchanged, they have acquired a right for regularisation cannot be endorsed. When the RRs provide for regular selection of the candidates through SSC, any appointment made to take care of the immediate requirement on local arrangement does not confer on the appointees any right to claim regularisation. This plea, therefore, has to fail.

7. In the above view of the matter, OA succeeds but partially and is accordingly disposed of. The respondents are directed not to disengage the services of applicants, who are presently working on ad hoc basis till the regularly selected candidates through SSC join duty. Interim order dated 20.06.2003 issued

(8) 11

in this regard is made absolute only to the extent.
However, the applicants request for regularisation has
no merit and fails. No costs.

S. Raju

(SHANKER RAJU)
MEMBER (J)

/ravi/

(GOVINDAN S. TAMPIL)
MEMBER (A)