

A UNION OF INDIA AND ORS

v.

BISHAMBER DUTT

OCTOBER 23, 1996

B [K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Service Law

C *Regularisation—Class IV employees appointed on part-time basis—
Held, not entitled to regularisation since they were not appointed on regular
basis according to rules.*

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 14528-30
of 1996.

D From the Judgment and Order dated 9.2.96 of the Central Ad-
ministrative Tribunal at Delhi in O.A. Nos. 1475, 1583-84 of 1995.

Ms. K. Amareshwari, Mrs. Anil Katiyar and Ms. Anubha Jain for the
Appellants.

E G.S. Beqrar and N.S. Behl for the Respondent.

The following Order of the Court was delivered :

Leave granted.

F We have heard learned counsel on both sides.

These appeals by special leave arise from the order of the Central
Administrative Tribunal, Principal Bench at New Delhi.

G The admitted position is that the respondent along with others came
to be appointed on September 3, 1990, November 14, 1991 and September
14, 1994 as Class IV employees in the office of the Controller of Defence
Accounts on part-time basis. There is a controversy as to whether they are
appointed on hourly basis or on regular basis. The admitted position is that
they were receiving the consolidated pay of Rs. 500 per month which was
raised to Rs. 600 per month for working six hours a day. It is not necessary
H to consider the case whether it is full-time or hourly basis or monthly basis.

Suffice it to state that they were not appointed to a regular post after selection according to rules; they were appointed as part-time employees *de hors* the rules. The question, therefore, is: whether they are entitled to the temporary status or regularisation as directed by the Tribunal? It is seen that pursuant to the enquiry whether temporary status should be granted to the part-time employees, directions were issued by the Ministry of Personnel, Public Grievances and Pension dated July 12, 1994 in the Memorandum, Clause 3, that they are not entitled to such status. Since they are not appointed on regular basis in accordance with rules the direction issued by the Tribunal to regularise the service is obviously illegal. It is then contended by the learned counsel for the respondents that in view of the fact that they were regularly working for a long time they are entitled to regularisation. We do not appreciate the stand taken on behalf of the respondents. Unless they are appointed on regular basis according to rules after consideration of the claims on merits, there is no question of regularisation of the services.

The appeals are accordingly allowed. The orders of the Tribunal is set aside. No costs.

G.N.

Appeals allowed.