

SUPREME COURT OF INDIA

Union of India

Vs.

Bishamber Dutt

(K Ramaswamy and G Pattanaik JJ.)

23.10.1996

ORDER

Leave granted.

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.

The admitted position is that the respondent along with others came to be appointed on September 3, 1990, November 14, 1991 and September 14, 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 to consider the case whether it 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.