

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00434/2021

HYDERABAD, this the 05th day of July, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



Shri A. Rajashekar S/o.Rajanna,
Aged about 31 years, Occ: Employee,
Gr 'C', R/o. H. No.618, Sri Sai Nagar,
Pragathi Nagar,
Hyderabad – 500 090, Telangana State.

...Applicant

(By Advocate: Mr. A. Durga Bhaskar)

Vs.

1.Union of India, Represented by its Secretary,
Ministry of Earth Sciences (MOES), Prithvi Bhawan,
Lodhi Road, New Delhi – 110 003.

2.The GC Chairman-INCOIS,
Ministry of Earth Sciences, Government of India,
Prithvi Bhawan, IMD Campus, Lodhi Road,
New Delhi – 110 003.

3. The Director,
Indian National Centre for Ocean Information Services (INCOIS),
“Ocean Valley”, Pragathi Nagar (BO), Nizampet (SO),
Hyderabad – 500 090.

....Respondents

(By Advocate: Mr. A. Radhakrishna, Sr. PC for CG)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA is filed in regard to extension of the contract services of the applicant in the respondents' organization.



3. Brief facts are that the applicant was appointed on contract basis, as Lab Attendant in the respondents' organization through a well-established selection process on 16.11.2010 and thereafter, the contract employment was extended periodically. Respondents have issued an office memo dated 15.4.2021 stating that the contract is extended finally up to 30.6.2021 and aggrieved that his services will be terminated thereafter, the OA is filed.

4. The contentions of the applicant are that he was appointed on contract basis after following the due process of selection. Based on the performance of the applicant, which is clean, his emoluments have also been enhanced. No review report of the performance of the applicant has been given to him. He has been working from 2010 onwards and is now aged 31, which would make it difficult to secure an alternate employment with the qualifications he has. With the prevailing corona pandemic, it would be harsh on part of the respondents to terminate his services after 30.6.2021. Applicant cited the verdict of this Tribunal in OA 1265 of 2018, to further his cause. Further, termination of his services would have a devastating effect on his future career and livelihood. The impugned Office Memorandum dated 15.4.2021 restricting the contract term of the applicant till 30.06.2021 is arbitrary, illegal and discriminatory.

5. Heard both the counsel and perused the pleadings on record.

6. I. The dispute is about the Office Memo issued to the applicant stating that his contract services are extended finally upto 30.6.2021 and thereafter, manpower requirement will be assessed and notified for recruitments afresh. The contentions of the Ld. Counsel for the applicant are that the applicant was appointed as Lab Attendant in the respondents organization by adhering to the due procedure of selection and that since he is aged 31, it would be difficult for the applicant to seek employment elsewhere with the qualifications he possesses. Based on applicant's performance, the consolidated pay granted has also been augmented. Terminating applicant's services after 30.6.2021, by inducting fresh recruits, during the prevailing corona pandemic will put him to untold difficulties and therefore, seeks extension of the contract services.



II. Opposing the contentions made, the Ld. Counsel for the respondents submitted that the applicant has been appointed on contract basis. As per the terms and conditions of the contract, impugned Office Memo was issued. The applicant has no *locus standi* to seek extension of the contract services. Respondents are well within their right to continue or terminate the contract services, depending on organizational requirement.

III. Learned Counsel for the respondents further submitted during the hearing of the case that the respondents, vide Office Memorandum dt. 01.07.2021, have extended the ongoing projects and contract of associated project/ contract manpower up to 30.09.2021 or until further orders, whichever is earlier. The said order has been issued in partial modification

of the earlier Office Memo dt. 15.04.2021. Therefore, the contract of the applicant also stand extended up to 30.09.2021.



IV. It is well settled in law that one set of contract employees cannot be replaced by another set of contract employees. The applicant's apprehension is understandable if he is replaced by another contract employee. However, the respondents are reported to be going in for fresh recruitment on a regular basis to fill up the regular vacancies. Till the vacancies are filled up on a regular basis the scope to engage the applicant on contract basis does exist. The law in regard to engaging an employee for quite some time and disengaging him, even when there is requirement of his services, requires a closer look by the respondents. This Tribunal has earlier disposed of OA 351/2021 on 24.6.2021 wherein the applicant is similarly placed like the present one in the very same respondents organization. Subsequently also, similar cases viz., OA No. 420/2021, etc. were disposed on 29.06.2021 and OA No.426/2021 & 433/2021 on 01.07.2021. The cited OAs fully cover the case of the present applicant.

V. Therefore, keeping the above in view, we direct the applicant to submit a comprehensive representation to the respondents within a week on receipt of this order stating the rules/law in support of his claim for extension of his tenure, and the respondents shall dispose of the same, in the light of the judgment of this Tribunal in OA 351/2021 and in accordance with rules/law, within a period of 3 weeks of receipt of the applicant's representation. As the respondents themselves have now extended the tenure of the applicant till 30.09.2021, the respondents shall

consider the representation of the applicant and pass a speaking and reasoned order in regard to his continuation beyond 30.09.2021.

VI. With the above directions, the OA is disposed of, at the admission stage, with no orders as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/