
(2021) 07 CAT CK 0030

In the Central Administrative Tribunal

Case No : Original Application No. 1371 Of 2021

Pradeep Kumar Sharma

APPELLANT

Vs

National Technical Research Organisation (NTRO) & Others

RESPONDENT

Date of Decision : 26-07-2021

Acts Referred:

Constitution Of India, 1949 — Article 12

Citation : (2021) 07 CAT CK 0030

Hon'ble Judges : L. Narasimha Reddy, J;A.K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : Rahul Kaushik, Hanu Bhaskar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

(Through Video Conferencing)

1. The applicant was appointed on contractual basis as Scientist in the National Technical Research Organisation (NTRO), the 1st

respondent herein, in the year 2008. Earlier, he filed O.A. No.4212/2014, stating that though he has put in quite a long service in the Organisation, his

case was not considered for regularization. Reference was also made to the letter dated 24.06.2013 issued by the respondents, through which the

process for regularization was initiated. The O.A. was disposed of on 23.01.2020, directing the respondents to take a final decision as regards the

claim of the applicant for regularization in the service.

2. Stating to be in compliance with the direction issued by the Tribunal, the respondents passed an order dated 28.01.2021, rejecting the case of the

applicant. It was mentioned that the regularization of a contractual employee

cannot be a mode of recruitment by any State, within the meaning of

Article 12 of the Constitution of India and a contractual employee cannot be assigned permanence in the Department. Reference was also made to

the judgment of the Honâ??ble Supreme Court in Secretary, State of Karnataka and Others vs. Umadevi and Others, AIR 2006 SC 1806.

Ultimately, his case was rejected. This O.A. is filed challenging the order dated 28.01.2021.

3. The applicant contends that he has completed more than ten years of service in the respondent organization and though there exist vacancies in the

respondent organization, his case is not being considered for regularization.

4. Today, we heard Mr. Rahul Kaushik, learned counsel for the applicant and Mr. Hanu Bhaskar, learned counsel for the respondents.

5. The very concept of contractual employment came to be dealt with by the Honâ??ble Supreme Court and the Honâ??ble High Court, in quite

large number of decisions. While in some cases, the practice of taking persons on contractual basis, against regular posts, was deprecated; in some of

the cases, directions were issued to create facility of regularization for such employees, by subjecting them to the process of selection and, if

necessary, by relaxing the age limit. Barring that, we are yet to know of a judgment where a direction was issued for regularization of contractual

employees straightway, just on account of the fact that they worked for a particular length of period. This is particularly so, in a sensitive organization

like NTRO.

6. The process commenced in the year 2013 for regular appointment of Scientist â??Câ??. The applicant was not successful therein. We cannot

direct the respondents to regularise the services of the applicant, simply because he was engaged for more than a decade. This is so, even if the

performance of the applicant is appreciated. Much would depend upon the existence of the work and the steps taken for regular appointment on the

post.

7. We do not find any merit in the O.A. and accordingly the same is dismissed.