

**Proceedings of the sitting of Shri Maurice Kujur, Hon'ble Vice Chairman  
with Director, Pandit Deendayal Upadhaya Institute for the Physically  
Handicapped, New Delhi on 29.06.2009**

**Issue**

Regularization of ad-hoc service of Shri Ghanshyam Meena, LDC in IPH for period between 1990 and 1992.

**Brief of the case**

A representation dated 14/7/2003 was submitted in the Commission by the petitioner Shri Ghanshyam Meena requesting the Commission for regularization of his ad-hoc services in the IPH w.e.f. from 21/5/1990 instead of w.e.f. 03/11/1992 on the post of LDC. It was stated in the petition that one more ST candidate was appointed by IPH as LDC on ad hoc basis on 21.05.1990, who was regularized after one month. Shri Meena was regularized only on 03.11.1992, whereas a vacancy against one ST point was already existing as on 21.05.1990.

The matter was taken up with the Director of the Institute for offering comments vide Commission's letter dated 31/07/2003. IPH vide their letter dated 17.08.2006 intimated that they had replied vide their letter dated 08.11.2004 (which was never received in the Commission). They had initiated the process of regularization of ad hoc service of 16 officials of the institute in 2004. They had forwarded the case to DoPT through M/o SJ&E ( their administrative ministry). As per the approval of DoPT, ad hoc service of 12 employees who have no break in their ad hoc service were regularized and 4 ad hoc employees were left as they had breaks in their service during their ad hoc appointments.

An hearing was held in the Commission on 18.08.2006 under the Chairmanship of Hon'ble Chairman, NCST. During the discussion it was mentioned by the Commission that the break given by the IPH in ad hoc service

is not in order as break can only be given for daily wagger employees. As a result, IPH officers assured that the case of Shri Ghanshyam Meena will be referred to M/o SJ&E without mentioning the break in his ad hoc service. Commission recommended to regularize the ad hoc service of Shri Ghanshyam Meena within next 45 days.

IPH initiated the process of regularization of ad hoc service of Shri Meena along with other 4 employees on 16.05.2007 and it was approved by the M/o SJ&E on 31.05.2007. However, it was again sent to DoPT for their concurrence on 06.07.2007. DoPT in this case mentioned that IPH is an autonomous body under M/o SJ&E and rules of ad hoc appointment issued by them do not automatically apply on them to autonomous bodies.

It was intimated by IPH under RTI, that services of Smt Harbhajan Kaur were regularized in 1980-81 by condoning the break by the Director. Ministry of Labour have also mentioned that this case does not involve any legal implications.

However, to have an independent view, Commission took up the matter directly with the DoPT. The DoPT vide their letter dated 20.01.2009 intimated that service matter of the autonomous organizations are governed generally by their own instructions etc. They further mentioned that the practice of giving a break periodically and appointing the same person on ad hoc basis in Central Govt. has been done away vide DoPT OM dated 30.03.1988.

On the basis of DoPT letter, a letter was written to IPH on 02.02.2009 for regularization of ad hoc service of Shri Meena, followed by a reminder dated 04.03.2009.

Since the case of Shri Meena could not be resolved, Hon'ble Vice Chairman, desired to have a discussion with Director, Pt DDUIPH on 29.06.2009 at 11.30 AM in the Commission.

### **Analysis**

As per the guidelines of DoPT and the decision of M/o Labour and M/o SJ&E, the ad hoc service of Shri Ghanshyam Meena should be regularized immediately by the Director, IPH without referring the case to anywhere.

### **Discussion**

The Commission explained the complete case of Shri Ghanshyam Meena and observed that as per direction / decision of Ministry of Social Justice & Empowerment, Ministry of labour, Ministry of Finance and DoPT, Director, IPH is the competent authority to regularize the ad hoc service rendered by Shri Meena from 1990 to 1992 by condoning the break in service.

In a reply to the Commission in this case, DOPT stated that IPH is an autonomous body and the instructions/policies issued by the DOPT do not apply automatically to the employees of such organizations. The service matter of the autonomous organizations are governed by generally their own instructions/guidelines/MOUs/Statutory powers, etc. DOPT further clarified that the practice of giving break periodically and appointing the same person on an ad hoc basis in Central Government has been done away with vide DOPT's O.M. No. 28036/8/87-Estt.(D) dated 30.03.1988.

Director, IPH mentioned there is no precedence of this type. He also mentioned that they are following the rules of DOPT in all service matters. The institute does not have specific rule to deal with such matter.

Ministry of Social Justice & Empowerment vide their note dated 29.05.2007 clarified that since Director(IPH) is the competent Appointing Authority, there is no need to consult Joint Secretary(DD)/Chairman Standing Committee. Director (IPH) may decide the matter after examination with respect to the rules on the subject.

Ministry of Labour vide their note dated 15/02/2008 clarified that the issue under examination is regularization of ad hoc service of four LDCs and one Junior Carpenter of IPH and does not involve any legal implications.

The Department of Expenditure, Ministry of Finance vide their note dated 16.04.2008 had not raised any objection and stated that in view of directions of Hon'ble ST Commission, the matter may again be referred to the DOPT.

The Commission mentioned that since this a case of its type for the first time and cleared by M/o SJ&E. As per DOPT break given in ad hoc service period of Shri Ghanshyam Meena is not in order as per DOPTO.M. dated 30.03.1988. Director, IPH agreed to take action as per the recommendations of the Commission.

### **Recommendation**

In view of the discussion and observations of concerned Ministries/Depts. as mentioned above, the Commission recommended that the ad hoc service period from 21.05.1990 to 03.11.1992 of Shri Ghanshyam Meena, LDC may be regularized by condoning the break in service. An action taken report may be submitted to the Commission within 20 days after discussion by the Director, IPH.

## **ANNEXURE**

The following were present in the sitting on 29.06.2009:

### **National Commission for Scheduled Tribes**

1. Shri Maurice Kujur, Hon'ble Vice Chairman .....**In Chair**
2. Shri Vinod Aggarwal, Director
3. Shri K. C. Behera, PS to VC

### **Pt. Deendayal Upadhyaya Institute for the Physically Handicapped, New Delhi.**

1. Dr. Dharmendra Kumar, Director

### **Petitioner**

1. Shri Ghanshyam Meena, LDC, IPH.