



2025:DHC:7735-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 03.09.2025

+ W.P.(C) 2996/2022
MR. ZAREEF AHMADPetitioner
Through: Ms.D. Vijayalakshmi, Adv.

versus

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH
AND ANR.Respondents
Through: Mr.Bhvunesh Satija, Mr.Udit
Sharma, Mr.Aniket Khanduri,
Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 17.06.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No. 1092/2021, titled ***Mr.Zareef Ahmad v. Council of Scientific & Industrial Research & Anr.***, dismissing the said OA filed by the petitioner herein.

2. The brief facts giving rise to the present petition are that the petitioner was appointed to the technical post in Group-III (5) with the respondents on ad-hoc basis for a period of six months with three



advance increments @3% in the Pay Band of Rs.15600-39100 (PB-3) with Grade Pay of Rs.6600/- plus usual allowances as admissible under the rules. In the appointment letter dated 28.07.2009 issued to the petitioner, one of the conditions of appointment was as under:

“This offer is on an ad-hoc basis. Within a period of six months, CSIR will advertise this position openly and give you an opportunity to apply against this position for permanent appointment in CSIR. In the process, you will have to compete with other candidates who may apply against the open advertisement.”

3. The respondents, by an Advertisement dated 30.09.2009, invited applications for the above post. The petitioner also applied under the same, however, the entire recruitment process was abandoned by the respondents on the ground that amendment to the Recruitment Rules for the said post was being contemplated.

4. Thereafter, the amended Recruitment Rules were notified on 28.09.2021. In terms of the amended Recruitment Rules, admittedly, the petitioner did not have the requisite educational qualification.

5. The respondents advertised the post again on 20.06.2013, in which the petitioner again applied, but no one was appointed against the said post and instead the petitioner continued to perform his duties on *ad-hoc* basis with the respondents.

6. The petitioner filed O.A. No.1787/2019 before the learned Tribunal, praying for the following reliefs:

“8. RELIEF SOUGHT

In view of aforesaid facts and circumstances this Hon'ble Tribunal may be pleased to ...

A. Direct the Respondents No. 1 and 2 to appoint



and absorb the applicant against the post of Sr. Technical Officer (2)/Group III {5} in PB3 +6600/-; B. And, direct the Respondents No.1 & 2 to pay arrears of pay and allowances to make it at par with regular Sr. Technical Officer {2}/ Group III {5} PB3+6600/-.”

7. The said O.A, was, however, disposed of by the learned Tribunal *vide* its Order dated 20.12.2019, observing as under:

“5. It is only in case of the employees in a lower category, such as Group 'D' employees, that the claim of regularization was permitted in certain organisations. In a highly technical post like STO, the question of regularisation of service of ad hoc employees does not arise. The recruitment process involves the selection of candidates after verification of the prescribed qualification. Added to that, the applicant does not hold the qualifications prescribed under the present rules. Therefore, we are not inclined to grant the relief claimed in the O.A. However, the services of the applicant shall be availed as and when the work load exists and he shall not be replaced by any other ad hoc employee.”

8. Aggrieved by the above Order, the petitioner challenged the same before this Court by way of W.P.(C) 13926/2019. The said Writ Petition was also disposed of by this Court *vide* its Judgment dated 06.02.2020, observing as under:

“5. Counsel submits that inspite of the express assurance contained in the appointment letter, after 2009 the respondents have taken no serious steps to fill-up the posts. He submits that although in 2013 a post was advertised; no other suitable candidate was available; and yet the petitioner's candidature was not accepted. He submits that he has worked continuously to the satisfaction of the respondents, which is evident from the fact that no disciplinary action has been taken nor his services have been



terminated.

6. In the circumstances, petitioner submits that if the post is advertised, petitioner should be given age relaxation for the period for which he has worked with the respondent.

7. After some submissions however, with consent of all parties, we dispose of the matter with a direction to the respondent that if a post is advertised, the petitioner will be given age relaxation for the period for which he has worked with the respondents. If a representation is made for regularization that would also be considered by the respondents. However, rejection or such representation would not give rise to a fresh cause or action."

9. From the reading of the above, it is apparent that this Court had directed grant of only the age relaxation to the petitioner for the period he had worked with the respondents. This Court had further directed that if a representation is made by the petitioner for regularization, the same would be considered by the respondents. However, it was made clear that rejection of such representation would not give rise to a fresh cause of action for the petitioner.

10. The services of the petitioner were finally dispensed with by the respondents *vide* Order dated 31.03.2021, observing that there was no further requirement of his services at present and, therefore, the services of the petitioner were being disengaged with immediate effect. Aggrieved by the same, the petitioner had approached the learned Tribunal by way of the above OA, which, as noted hereinabove, has been dismissed by the learned Tribunal.

11. The learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that in terms of the letter of appointment, the petitioner was to be granted an opportunity to



compete for the appointment to the said post on regular basis. She submits that the same would clearly show that the requirement of the said post was perennial in nature and it was a regular appointment.

12. She submits that, in terms of Advertisement No.CO/01/2013 issued by the respondents, the DG, CSIR was competent to relax *inter alia* the qualifications required for the said post. She submits that as the petitioner had been working with the respondents at the above post on *ad hoc* basis, it was a fit case where the DG, CSIR should have relaxed the educational qualification and treated the petitioner to be qualified for the said post for appointment on regular basis.

13. She submits that, in any case, the Order dated 31.03.2021 disengaging the services of the petitioner was not passed by the competent authority, as the same had been passed by the Joint Secretary (Administration), who is an authority junior to the appointing authority, that is, the DG, CSIR.

14. The above submissions are refuted by the learned counsel for the respondents, who submits that the petitioner had been appointed only on *ad-hoc* basis and subject to a person being regularly appointed to the said post. Efforts were made to have the regular appointment made, however, were unsuccessful. The petitioner is not eligible for appointment to the post and, therefore, could not be considered for regular appointment.

15. He submits that in the earlier round of OA and the Writ Petition before this Court, the plea of regularization of the petitioner had been rejected, both by the learned Tribunal as also by this Court. He



submits that the same is being re-agitated in form of the fresh OA, and now in form of the present Writ Petition, and the same cannot be allowed.

16. He submits that as the petitioner was not appointed on regular basis, the Order discontinuing his services because of non-requirement had been passed by the competent authority.

17. We have considered the submissions made by the learned counsels for the parties.

18. It is not disputed that the Appointment Letter dated 28.07.2009 informed the petitioner that he is being appointed on *ad-hoc* basis for a period of six months and within the said period, CSIR will be advertising the post for open recruitment, against which the petitioner would also have to apply if he is interested in appointment on regular basis.

19. Admittedly, the respondents did advertise the said post and the petitioner also applied under the same. The recruitment process was, however, abandoned by the respondents as the Recruitment Rules were in the process of amendment. The Recruitment Rules were eventually amended on 28.09.2011, whereunder, the petitioner did not possess the requisite educational qualification. Though he applied under the subsequent Advertisement dated 20.06.2013, he was not considered as he did not meet the educational qualification.

20. The plea of the petitioner that the DG, CSIR should have exercised the power of relaxation of educational qualification, does not impress us inasmuch as much water has flown thereafter. The



petitioner did not challenge his non selection at that stage, but continued to enjoy his appointment on *ad-hoc* basis even thereafter.

21. It is only on 29.05.2019, that the petitioner approached the learned Tribunal by way of O.A. No.1787/2019 *inter alia* praying for regularization of his service. The said prayer was rejected by the learned Tribunal *vide* its Order dated 20.12.2019. This Court, while disposing of W.P.(C) 13926/2019, stated that while the petitioner would be entitled to age relaxation (*sic, and not educational qualification*), in case an advertisement is issued by the respondents for fresh recruitment, an opportunity was also given to the petitioner to make a representation for regularization of his service. This Court, however, clarified that in case the petitioner makes such representation and the same is rejected, it would not give a fresh cause of action to the petitioner. The said Order attained finality. Therefore, as far as the plea of regularization of service is concerned, the same stands settled. Equally, it stands settled that no relaxation in educational qualification was to be given to the petitioner.

22. Be that as it may, the respondents stating that it does not require the services of the petitioner anymore, has dispensed with his services by the Order dated 31.03.2021. The learned Tribunal has held that now the only relief that the petitioner would be entitled to is that one *ad-hoc* employee cannot be replaced by another *ad-hoc* employee. It is not even the case of the petitioner that the petitioner has been replaced by another *ad-hoc* employee by the respondents.

23. The plea of the petitioner that the Order dated 31.03.2021 has



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been passed by an authority junior to the appointing authority, does not also impress us as the said Order simply communicates to the petitioner that his *ad-hoc* services are no longer required by the respondents.

24. We, therefore, find no merit in the present petition. The same is, accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 3, 2025/ns/VS