

GAHC010045952025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1576/2025

THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS,
DEPARTMENT OF PERSONNEL AND TRAINING (D.O.P. AND T.), NEW
DELHI-110001

2: THE PRINCIPAL REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
61/35
COPERNICUS MARG
NEW DELHI-110001

3: THE DEPUTY REGISTRAR/HEAD OF OFFICE
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
RAJGARH ROAD
DIST- KAMRUP (M)
GUWAHATI-781005

4: THE REGIONAL DIRECTOR
STAFF SELECTION COMMISSION
NORTHERN REGION
BLOCK NO. 12
C.G.O. COMPLEX
LODHI ROAD
NEW DELHI-11000

VERSUS

SMT. MOU MAZUMDAR
D/O LATE KARUN KUMAR MAZUMDAR, LOWER DIVISION CLERK (NOW
JUNIOR ASSISTANT), CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH, RAJGARH ROAD, DIST- KAMRUP (M), PIN-781005

For the petitioners : Mrs. R. Devi, C.G.C.
For the respondents : Mr. S. Nath, Advocate

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

11-02-2026

(Ashutosh Kumar, C.J.)

We have heard Mrs. R. Devi, learned Central Government Counsel for the petitioners and Mr. S. Nath, learned Advocate for the respondent.

The respondent worked as Lower Division Clerk (LDC) in the Central Administrative Tribunal (hereinafter to be referred as 'Tribunal'), Guwahati Bench as a temporary employee which was a stop-gap arrangement to fill up urgent vacancies while waiting for the permanent hires through the Staff Selection Commission (SSC). The ad-hoc tenure of the respondent was extended and ultimately her services were regularised w.e.f. 13th August, 2013 and not from her initial joining date. This meant that her earlier tenure as ad-hoc employee from January, 2011 to August, 2013 was not to be counted towards her seniority, promotion and other benefits.

It was in the year 2021, when the SSC had announced a Limited Departmental Competitive Examination for promotion to Upper Division Clerk (UDC) that the controversy arose.

The eligibility requirement under the Limited Departmental Competitive Examination was fixed at five years regular service as an LDC by 1st of July, 2017. Since the respondent fell short of the required

eligibility criteria of number of years having spent in regular service as LDC, a request was made by her to permit her to appear in the examination by counting her ad-hoc period as regular service.

This request was turned down vide letter dated 17.11.2021, which was challenged by the respondent before the Tribunal, Guwahati Bench.

The Tribunal vide order dated 17.05.2024 quashed the rejection letter, referred to above, and directed the authorities to count her ad-hoc service as regular from 04.01.2011 to 12.08.2013 and to grant all consequential benefits like seniority and financial upgrades.

The contention on behalf of the petitioners/Union of India is that the Tribunal fell in error in directing for counting of ad-hoc tenure of the respondent as regular service as it was only a temporary fix for urgent need without conferring any right to regularisation or benefits like seniority.

That apart, it is further contended that the initial appointment of the respondent was not in consonance with the Standard Recruitment Rules of 1989 which required selection by SSC for regular posts.

It is further submitted that one extension was granted as one of the SSC recommended candidates had not joined. The respondent had accepted the terms of the ad-hoc extension which clearly stipulated that such ad-hoc tenure would not be counted for seniority or promotion.

Lastly, it is submitted that directing for counting of the ad-hoc services of the respondent would now unfairly affect the seniority of other employees who have come through SSC channels.

None of those persons who could be adversely affected were ever heard.

The learned Advocate for the respondent, however, submits that by virtue of an *interim* order passed by the Tribunal, the respondent had appeared in the Limited Departmental Competitive Examination but he submits that further instructions are required to be obtained with respect to the outcome of that examination conducted by the SSC.

Mrs. R. Devi, learned Central Government Counsel for the petitioners submits that till date appointments have not been made.

Be it noted that there was no stay order operating and, therefore, in all likelihood, the vacant position must have been filled up by now.

The petitioners shall take instructions as to whether any vacancy is left at present, in which case, if another selection process is announced, the respondent would, with the passage of time, have earned the eligibility of having spent five years in regular service as LDC.

Mr. S. Nath, learned Advocate for the respondent also seeks some time to get an updated report about the current status of the vacancies and the outcome of the selection process initiated by the SSC.

Re-notify on **02.04.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant