

9

Central Administrative Tribunal, Principal Bench

Original Application No. 997 of 2002
M.A. No. 2401/2002

New Delhi, this the 29th day of October, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Shri Jai Bhagwan S/o Shri Partap Singh
R/o F-6, AB, Rajdhani Park,
Near Hanuman Mandir (in front of STD Gali)
Nangloi, Delhi-41

....Applicant

(By Advocate: Shri Narendra Sharma)

Versus

1. The Director of Education
Old Secretariat
Shyam Nath Marg, Delhi
now shifted to I.P. Extension
Secretariat Building, I.T.O.,
New Delhi.

2. The Principal
Govt. Boys Senior Sec. School,
S.U. Block, Pitam Pura,
Delhi-34

3. Lt. Governor,
Govt. of N.C.T. of Delhi
Raj Niwas Marg,
Delhi-54

....Respondents

(By Advocate: Shri Mohit Madan, proxy for Mrs. Avnish Ahlawat)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

M.A. 2401/2002

In the absence of any objection, M.A. 2401/2002 is allowed. O.A. is restored to its original number.

O.A. 997/2002

2. The applicant joined the respondents' school as a Part-Time Waterman. A fixed amount of Rs. 900/- was to be

V.S. Aggarwal

paid to him per month. The applicant by virtue of the present application seeks that the order by virtue of which his services have been terminated, should be set aside. He should be allowed to join his duty and his services should be regularised as Class IV employee of the department. It is contended that the applicant has been working satisfactorily during all these years and, therefore, his services could not be dispensed with and he is entitled to regularisation thereto.

3. Needless to state that in the reply filed, the application has been contested. It has been pointed that there is a Waterman already working. The number of students have gone down and therefore, the services of the applicant were not required. In addition to that, it has been pointed that the applicant did not resume the duties from 15.3.2000. A memo was issued to him that if he does not resume duties, his services would be presumed to be terminated. The applicant did not resume duty and, therefore, it is stated that the question of reinstating the applicant does not arise.

4. During the course of submission, learned counsel for the applicant has drawn our attention to large number of letters to show that the work and conduct of the applicant was satisfactory. On perusal of the same, indeed it cannot be stated that the subsequent conduct also remained satisfactory. If the applicant abstains from duty, in that event indeed the said certificates given by different School Principals/Vice Principals are of little

MS Ag

11

avail.

5. Otherwise also, the question of regularisation in the facts of the present case will not arise. Reasons are not far to fetch. The applicant had been taken only on contract basis. In order to get regularisation, he is to undergo the necessary rigours of the selection process. In the absence of the same, it would be inappropriate for this Tribunal to direct regularisation of the applicant in the service as Class IV employee.

6. Resultantly, the O.A. being without merit must fail and is dismissed.


(S.A.T. Rizvi)

Member (A)


(V.S. Aggarwal)
Chairman

/dkm/