

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2027 of 2002

New Delhi, this the 25th day of April, 2003

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Kirpal Singh
Daily Wager (TS)
C/o Accounts Branch
NCERT
New Delhi.

...Applicant

(By Advocate: Shri S.N. Anand)

Versus

1. Union of India through Secretary
Ministry of Human Resources Development,
Shastri Bhawan,
New Delhi.

2. The Director,
National Council of Educational Research
and Training,
Aurbindo Marg,
New Delhi-110 016.

~~RESPONDENTS~~

(By Advocate: None)

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

Applicant impugns an order dated 2.2.2000 whereby the respondent No.2 had sought to dispense with the services of the applicant.

2. The facts as alleged in brief are that the applicant was working on daily wages basis since 1984. He had been conferred with temporary status on the lines of the grant of temporary status in accordance with the scheme known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993. A show cause notice was served upon him asking him to explain his conduct in relation to an alleged incident



of eve teasing on 19.11.1999 vide order dated 17/19.1.2000, Annexure-B. The applicant submitted his reply to the said show cause notice vide Annexure-C and after considering the same, the impugned order was passed and the services of the applicant had been dispensed with.

3. Though the respondents counsel did not turn up to argue the case, I have heard the learned counsel for the applicant and proceeded to dispose of the case in accordance with the CAT (Procedure) Rules in the absence of the respondents counsel.

4. The learned counsel for the applicant submitted that since the show cause notice discloses that the applicant had been punished for the some misconduct of eve teasing so a regular enquiry should have been held and only then the applicant should have been punished. As the principles of natural justice have been violated, so the impugned orders are liable to be quashed.

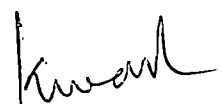
5. The applicant has also referred to provisions of the scheme of 1.9.1993 issued by the DOP&T with regard to the service conditions of casual labourer who have been conferred with temporary status and submitted that even the scheme postulates an enquiry to be conducted by the department.

6. I have considered this aspect of the learned counsel for the applicant.

7. However, from the reply given to the show cause notice I find that there is a clear cut admission in the reply of the applicant wherein he had submitted that because of frustration as he is not being regularised some time he does cross the limit. Even in his appeal he had submitted that he may be pardoned for the lapses on his part.

8. The allegations as per the show cause notice are that on 19.12.1999 he was found moving in a state of intoxication and at about 9.00 P.M., misbehaved with 4-5 ladies. Thus the allegations against him appear to be serious which are admitted by the applicant. So I do not find that any enquiry should have been held when there is admission on the part of the applicant himself.

9. Thus the services of the applicant had been rightly dispensed with. No interference is called. Accordingly, the OA is dismissed. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

/Rakesh