

Central Administrative Tribunal
Principal Bench

OA No.2847/2002

14

New Delhi this the 13th day of October, 2003.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDL)

Milind Kumar,
S/o Sh. Uday Chand,
R/o H.No.484, Y-Block,
Mangolpuri,
Delhi-110083.

-Applicant

(By Advocate - None - Applicant in person)

-Versus-

1. N.C.T. (Govt. of Delhi)
(Service may be effected)
through its Chief Secretary,
N.C.T. of Delhi VIIIth Floor,
Delhi Secretariate, I.P.Estate,
New Delhi - 110 002.

2. State Election Commission,
(Service may be effected)
through its Secretary,
Nigam Bhawan, Kashmere Gate,
Delhi - 110006.

-Respondents

(By Advocate: Ms. Jasmine Ahmed)

ORDER (ORAL)

Applicant who had worked in the Photostat Division on casual basis as an operator in the State Election Commission was not allowed to resume duties after 8.5.2002. Earlier, applicant had filed O.A. No. 1709/2002 which was disposed of on 12.07.2002. Vide an order dated 25.09.2002 passed by the respondents holding that as no post of Photostat Machine Operator is sanctioned in the State Election Commission, it is not possible to absorb applicant, giving rise to the present O.A.

2. Applicant appeared in person and stated that as he has provided services and completed 240 days, his absorption is to be considered.

3. Respondents' counsel Ms. Jasmine Ahmed contends that temporary posts were sanctioned under non-plan without any post of Photostat Machine Operator and as the Commission has completed its work and there is no sanctioned post of Photostat Machine Operator, it is not possible to consider the case of the applicant.

4. After considering the pleadings in the O.A. as well as the contentions putforth by the learned counsel for respondents, absorption of applicant cannot take effect unless sanctioned post of Photostat Machine Operator is available.

5. Ends of justice would be duly met if in future a regular post is sanctioned of Photostat Machine Operator, claim of applicant would be considered in accordance with rules and instructions on the subject, subject to his conferment to the eligibility criteria.

6. With these directions, the O.A. stands disposed of. No costs.

S. Raju
(SHANKER RAJU)
MEMBER (J)

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