

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

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Original Application No. 507 of 2001

New Delhi, this the 15th day of February, 2002

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

Anil Kumar Gupta
S/o Shri Om Prakash Gupta
R/o 431, Guru Ram Dass Nagar,
Near Sanjay Park,
Laxmi Nagar,
Delhi-110 092.

-APPLICANT

(By Advocate: Shri Jog Singh)

Versus

1. Union of India
through Secretary,
Ministry of External Affairs,
South Block,
New Delhi-110 001.
2. Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Tirkoot-3, Bhikaji Cama Place,
R.K. Puram,
New Delhi.

-RESPONDENTS

(By Advocate: Shri N.S. Mehta)

O R D E R (ORAL)

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

The applicant was working as a casual labourer under the respondents. His services had been disengaged vide directions of the Administrative Officer PV-IV, New Delhi Section when it was found that he has been indulging in dubious activities prejudicial to the Government. The competent authority had directed to disengage the applicant which is challenged by the applicant in the present OA.

2. The claim of the applicant is that he has been working on casual basis with artificial breaks for a period of more than 10 years and his service had been



disengaged without giving him any show cause notice etc.

3. It is also pleaded that earlier temporary status was also conferred upon the applicant vide order dated 15.3.1994 but the same was withdrawn by the respondents subsequently.

4. It is further pleaded that sufficient work is available with the respondents and many juniors are working in the respondents-department as such the action of the respondents in terminating the services of the applicant without giving any reason is arbitrary and against the relevant principles of law.

5. Respondents, who are contesting the OA pleaded that since the applicant was indulging in dubious activities which was prejudicial to the Government, so on that basis he has been disengaged.

6. The respondents further pleaded that since he was employed as a casual labourer who are usually employed on purely casual/daily wages basis, their services can be dispensed with on any day and at any time without assigning any reasons, hence he was neither served any show cause notice nor issued any order as per CCS (CCA) Rules because the Rules do not apply to casual employees.

7. As far the conferment of temporary status is concerned, it is stated that the order conferring temporary status was erroneously passed and the same was

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later on withdrawn under the directions of the Hon'ble High Court. Thus it is submitted that the applicant has no cause for being reengaged.

8. I have heard the learned counsel for the parties and gone through the records of the case.

9. The learned counsel for the applicant submitted that the applicant had a legitimate expectation since he has worked for more than a decade in the capacity of casual labourer so he has an expectation that his services should have been regularised as he is continuing in service.

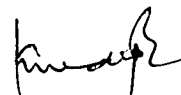
10. Besides that it is also pleaded that as far the decision taken by the Government itself which is at page 29 of the paper book, which are office notings, the same show that a decision was taken only to issue a warning letter to seek explanation from the applicant but still the Government had taken a decision to disengage the applicant. No show cause notice was issued for disengaging the applicant.

11. To my mind as far the plea taken by the learned counsel for the applicant is concerned that a person can be said to have legitimate expectation to rise in his career but for that he has to maintain his own activity within the legal framework and within the rules of the department. Since the applicant has himself taken the papers to the office of the RTO and from there to the other office without properly having been authorised so

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this itself shows that he cannot claim for legitimate expectation since his personal conduct was not within the framework of rules.

12. As far the protection given to the temporary employees and regular employees are concerned, the same are not available to the casual worker. Though as per the noting on page 28 the officers concerned may have submitted for recording of warning which to be issued but the Government did not agree with the same as the activities of the applicant were found prejudicial to the Government so the competent authority issued directions to disengage the services of the applicant. So in view of this I find that the explanation submitted by the applicant had not been accepted by the competent authority. It also cannot be said that the principles of natural justice has not been complied and it is for the competent authority to accept the application or not given by the applicant and since no protection from disengagement was available under the rules or under the service jurisprudence, so I find that the OA cannot be allowed and the same has to be dismissed. Accordingly, the OA is dismissed. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

Rakesh