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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1002/2001

New Delhi, this the 31st day of January, 2002

Hon'ble Shri Govindan S.Tampi, Member (A)

Smt. Maya
W/o Shri Kishan
R/o H.No.8707, Behind
Palace Cinema, Old Subzimandi
Delhi.

...Applicant

(By Advocate Ms. Harvinder Oberoi)

V E R S U S

GOVT. OF NCT OF DELHI : THROUGH

Election Commissioner
Govt. of Delhi
First Floor, Nigam Bhawan
~~Kashmere Gate, Delhi~~

...Respondent

(By Advocate Ms. Jasmine Ahmed)

O R D E R (ORAL)

By Hon'ble Shri Govindan S.Tampi,

The relief sought for by the applicant is his re-engagement. The applicant was engaged as a Safai Karamchari w.e.f. 21-12-1998 by the respondents till 24-8-1999, she has worked for 235 days. Therefore, her disengagement from service was improper and illegal, especially when two persons have been re-engaged, which means that work was still available with the respondents and the applicant's case could be favourably considered, argues Smt. Oberoi. It is also pointed out by her that the applicant had worked for total 235 days and she had been given artificial in between to deny her the grant of temporary status.

2. On the other hand, Ms. Jasmine Ahmed, learned counsel for the respondents, points out that the services of the applicant were discontinued from 13.8.99 and not from 25.8.99, as claimed and she has

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no vested right for consideration, as she had not completed the requisite period for grant of temporary status.

3. I have carefully considered the matter and observed that not having completed the requisite period of 240 days in a spell of one year (12 months), the applicant does not have any vested right for consideration for temporary status. In fact the number of worked by her is less than 235 days indicated by the applicant, by 12 days more. Therefore, the applicant does not have a case. However, it is true that fresh persons or persons junior to her had been engaged, which points to the availability of work the applicant's case would also merit consideration.

4. In the above circumstances while dismissing the claim of the applicant on merit I would advice the respondents to favourably consider the re-engagement of the applicant if any one junior to her or freshers have been engaged for doing the similar work. This would only be just and fair. O.A. is disposed of in the above terms. No costs.

(GOVINDAN S. TAMPI)
MEMBER (A)

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