

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1747/99

New Delhi, this the 25th day of July, 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)

(18)

In the matter of:

Smt. Kamlesh
W/o Sh. Gariba
R/o 54, Lal Bagh, G.T.Karnal Road,
Delhi. Applicant
(By Advocate: Sh. D.R.Gupta)

Vs.

1. The Director of Education
Govt. of NCT of Delhi,
Old Sectt. Alipur Road,
Delhi.
2. The Dy. Director of Education (Sports),
Chattarsal Stadium,
Model Town, Delhi.

(None)

ORDER (ORAL)

By Mrs. Lakshmi Swaminathan, M(J)

The applicant who claims that she has been working as a casual labourer sweeper with the respondents is aggrieved by her termination of services by a verbal order dated 28.6.99.

2. I have heard Sh. D.R.Gupta, learned counsel for the applicant. As none has appeared for the respondents, I have perused the counter affidavit filed by them in reply to the averments in the OA.
3. According to the applicant, she had been employed by the respondents as a Sweeper w.e.f. 24.10.97 and had worked till her discharge from service on 28.6.99. The respondents have, however, stated in their reply that the applicant had remained on duty only till 20.3.99 and not 28.6.99 as claimed by her. Respondents have stated that the applicant has herself annexed an Office Order dated 19.2.98 wherein she had been informed

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that she was no longer required to work as casual labourer w.e.f. 20.3.99. However, Sh. D.R.Gupta has stated that by Office Order dated 29.1.99 in which the applicant's name appears at S1. 29, she was allowed to continue as daily wage casual labourer from 2.2.99 to 31.3.99. In the circumstances, learned counsel for the applicant has submitted that the date when the applicant has been discharged may be taken as 20.3.99 as stated by the respondents.

4. This OA has been filed on 9.8.99 praying for a direction to the respondents to set aside the aforesaid verbal order of termination and for a direction to the respondents to consider the claim of the applicant for regularisation, grant of temporary status and other consequential benefits. Learned counsel for applicant has also submittaed that even after discharging the services of the applicant by the verbal order, persons junior to the applicant have been continued in service which is also, therefore, arbitrary under the rules. According to him, the person whose name appears at S1.30 of the Office Order dated 29.1.99 is continuing in service whereas the services of the applicant have been discharged.

5. The respondents in their reply have given the details of the number of days the applicant has worked from 1997-99. They have submitted that in any of the financial years, in question, the applicant has not worked for the required number of days over 240 days, ^{and} Hence, her claim for grant of temporary status and regularisation etc. cannot be considered in terms of the relevant DOPT OM dated 10.9.93. They have also stated that ^{BS} junior of the applicant has been continuously working for the last 2 years. From the reply filed by the respondents it appears that in a period of 12

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months, the applicant has not completed the required number of days laid down in the relevant rules and instructions for allowing her claim for grant of temporary status.

7. In the circumstances of the case, OA is disposed of with a direction that in case the respondents have work of the nature the applicant was doing earlier, they shall consider re-engaging her as ^acasual labourer/Sweeper, in preference to juniors and outsiders. No order as to costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

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