

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1969 of 1999

New Delhi, this 29th day of March, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

Brahm Dev Prasad  
S/o Shri Paras Nath  
R/o Vill. Chainpur, PO-Balapur  
Distt. Gorakhpur  
(U.P.)

... Applicant

(By Shri U.Srivastava, Advocate - not present)  
(Shri Bhaskar Bhardwaj, proxy is present)

versus

Union of India, through

1. The Director General Works  
Directorate General of Works  
Central Public Works Department  
Nirman Bhawan, New Delhi.

2. The Superintending Engineer  
Dekgu Central Circle, CPWD  
New Delhi.

3. The Executive Engineer  
B-Mondal, CPWD, Vayu Bhawan  
New Delhi.

.. Respondents

(By Shri R.V. Sinha, Advocate - not present)  
(Shri D.S. Jagotra, proxy is present)

ORDER(oral)

By Reddy, J.

None appears for the applicant or for the respondents except the proxy counsel who requests for adjournment on the ground that advocates are abstaining from the courts.

2. Though time has been given for filing rejoinder more than once, rejoinder is not filed.

3. It is stated by the applicant that he was engaged as a Beldar on Master Roll in 1983 and was regularised in 1992 and has been working



10

since then till 1993. He fell sick and he had been under treatment since then. The respondents were being intimated about his ill health. The applicant received a telegram on 12.8.1999, which was issued on 10.8.1999, from the respondents asking the applicant to report to the office within ten days, failing which the applicant's service would be terminated. The applicant submits that he received the telegram on 12.8.1999 and reported to the office on 20.8.1999. But it is his grievance that the respondents had not taken him in service.

4. On the other hand it is the case of the respondents that the applicant having been regularised on 12.1.1993, worked for only three months and thereafter with effect from 21.4.1993 he absconded from duty without any intimation. He never informed about his sickness to the respondents. In the telegram he was only asked to report/to be present in the office within ten days and nowhere it has been stated that he would be allowed to join the duties with the respondents. It is also stated that the applicant did not appear in the office even on getting telegram within the stipulated period, i.e. on or before 19.8.1999. It is wrong to say that he appeared on 20.8.1999. He only sent a registered letter dated 21.8.1999 which was received by the respondents on 23.8.1999. it is

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2) further stated as the applicant had been absconding from service, his services were terminated by order dated 28.8.1999 and a copy was communicated to the applicant. 11

5. We have perused the pleadings carefully. The only relief that is prayed for in the OA is to allow the applicant to join duties in compliance with the telegram dated 10.8.1999 and for grant of consequential benefits and costs. These reliefs cannot be granted inasmuch as the applicant's services have been terminated by an order dated 28.8.1999 on the ground that he had been absconding from 1993. As it is stated that the applicant had not even complied with the telegram and he had only sent a registered letter on 21.8.1999, which was received by the respondents on 23.8.1999, instead of reporting to the office as directed in the telegram, the respondents have passed the <sup>OA</sup>~~imposed~~ order terminating the services of the applicant.

6. If the applicant is aggrieved by the said order, it is open to him to question the same. The present relief therefore cannot be granted to the applicant. The OA is dismissed at the admission stage itself. No order as to costs.

*Shanta Shastri*  
(Mrs. Shanta Shastri)  
Member(A)

*V. Rajagopala Reddy*  
(V. Rajagopala Reddy)  
Vice Chairman(J)