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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2147/1999

New Delhi this the 4th day of September, 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice Chairman (J)
Hon'ble Mr. Govindan S. Tampi, Member (A)

Ranbir Singh (Chowkidar),
Govt. Senior Secondary Girls School,
Dilshad Garden, Delhi.

.. Applicant

(By Advocate Sh. T. N. Tripathi)

Versus

1. Director of Education,
Directorate of Education,
Old Sectt., Delhi.
2. Deputy Director of Education,
North East 'B' Block,
Yamuna Vihar, Delhi.
3. The Principal,
Raghubar Dayal Jan-Kalyan
Govt. Senior Secondary School,
'C' Block, Bhajanpura, Delhi-53
4. Authorised Officer,
Raghubar Dayal Jan-Kalyan,
Govt. Senior Secondary School,
'C' Block, Bhajanpura, Delhi-53
5. The Principal,
Govt. Girls Senior Secondary School,
Dilshad Garden, Delhi-53.

.. Respondents

(By Advocate Sh. R. K. Singh proxy counsel
for Sh. Anil Kumar Chopra)

O R D E R (ORAL)

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)

The applicant was working as Chowkidar in the
School of Jan Kalyan Senior Secondary School now known as
Raghubar Dayal Jan Kalyan, Govt. Senior Secondary School,
Bhajanpura, Delhi. He was appointed in 1972. The present
O.A. has been filed by the applicant for payment of salary
from 1.1.1986 to 31.8.1995 and further from 25.10.1996 to
28.10.1997.

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2.

In the counter affidavit it has been stated as under:-

" It is submitted that the applicant attended his duty occasionally during the period 1.1.1986 to 31.8.1995 (absentee report is annexed as annexure 'A'). He mostly remained absent without any intimation or prior permission of the competent authority (The school management) from the very beginning of his appointment as chowkidar he was habitual absentee and indisciplined. The controlling authority took action but there was no change in his behaviour.

In June 1985 Disciplinary authority was constituted against the petitioner by the competent authority. On his personal request and assurance that he will not repeat his acts of mis-conduct, the Disciplinary authority took a lenient view and got all his dues released upto 12/85. A copy of his request is annexed as annexure 'B'. The decision of the disciplinary authority is also annexed as Annexure 'C'. After getting his dues upto Dec., 1985, he did not mend himself and continued to follow the same old practice.

In the session 1993-94, the post of Chowkidar was abolished and petitioner was declared surplus. On being declared surplus, he was adjusted in Arwachin Bharti Bhawan, Sr.Sec.School, Balbir Nagar, Delhi where he never joined, inspite of repeated letters annexed as D, E, F and so on.

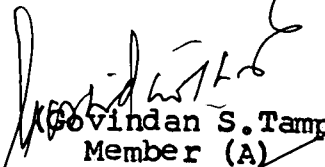
Keeping in view, his adamant behaviour to settle the issue related to his arrears, a special committee was set up, which gave its report on 30.8.96, An English version of the decision is placed as Annexure 'G'.

The action against him was in process, in the meantime the school was converted into a Govt.School in September, 1996. Conversion letter of the school is annexed as Annexure 'H'.

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On being taken on the Govt. strength he was absorbed under Rule 47 of DSEAR 1973 vide order No. NE 196/9001-9201 Dt. 22.10.1996 as annexed I, though he remained absent at the time of absorption. Later on department took a lenient view and he was posted in GGSSS Dilshad Garden vide Order No. DDE/NE/ADM/98/3000 Dt. 18.2.1998."

3. From the above, it is clear that for the entire period from 1986 to 1996, he was not working at all. The substantial part of the relief is also time barred. The allegations are wholly vague and no material is placed before us to grant him any relief. We are also of the view that the applicant should have been dismissed long back due to his continued absence to attend the office. The O.A. is dismissed. No order as to costs.


(Govindan S. Tampi)
Member (A)


(V. Rajagopala Reddy)
Vice Chairman (J)

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