

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2390/1999

New Delhi this the 6th day of November, 2000

Hon'ble Smt.Lakshmi Swaminathan, Member (J)

Rohtash Kumar,
S/O Sh.Tara Chand Sharma,
R/O 12, Ali Ganj,
Kotla Mubarakpur, New Delhi-110033

.. Applicant

(By Advocate Sh.S.K.Gupta)

Versus

1.Govt.of NCT of Delhi
through Chief Secretary,
5,Sham Nath Marg, Delhi.

2.Director,
Directorate of Audit,
Govt.of NCT of Delhi,
Bela Road, New Delhi.

3.Senior Accounts Officer,
Directorate of Audit,
Govt.of NCT of Delhi,
Bela Road, New Delhi.

.. Respondents

(By Advocate Sh.Rajinder Pandita)

O R D E R (ORAL)

Hon'ble Smt.Lakshmi Swaminathan, Member (J)

The applicant has impugned the order dated 6.10.1999 terminating his services which has been passed by Respondents 2 and 3.

2. I have heard both the learned counsel for the parties.

In pursuance of the Tribunal's order dated 18.7.2000, Shri

Rajinder Pandita, learned counsel for the respondents, has

filed additional affidavit on 15.9.2000. In the annexure

attached along with the affidavit dated 10.8.2000, Senior

Accounts Officer(Administration), Principal Accounts Office,

Govt.of NCT of Delhi, Mori Gate, Delhi, has informed Respondent 2

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that the applicant, Shri Rohtash Sharma/Rohtash Kumar, was appointed as driver on daily wages in their office for a period of 89 days w.e.f. 10.11.1999 and again for a second spell of 89 days w.e.f. 8.2.2000. It is further mentioned in this letter that the office is considering further appointment of the applicant as daily wages driver. Shri S.K.Gupta, learned counsel, however, submits that he has been informed by the applicant that he has still not been appointed even ^{p/w} as daily wage driver. Learned counsel has prayed that since one of the Departments of Respondent 1 has stated that they are considering appointment of the applicant as daily wage driver, he would be satisfied if a direction is given to Respondent 1, through the concerned Department, that they should consider and take appropriate decision regarding appointment of the applicant in preference to the outsiders and juniors, ^{for} ~~for this purpose~~ as and when the work is available. (16)

3. Shri Rajinder Pandita, learned counsel has submitted that the applicant has not been employed by the respondents in this OA, namely, Directorate of Audit, Govt. of NCT of Delhi, Bela Road, New Delhi. He submits that the applicant is being considered for appointment as daily wage driver though another Department under Respondent 1.

4. Taking into account the aforesaid facts and the circumstances of the case and in particular the statements given by an office under Respondent 1, namely, ^{the} Principal Accounts Office, Government of NCT of Delhi, Mori Gate, Delhi-6, OA is disposed of with the

B/-

following directions:-

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Respondent 1 may further take an appropriate decision in the matter regarding the appointment of the applicant as daily wages driver, if they need the services of a driver in accordance with law and in preference to outsiders and juniors. This may be done as expeditiously as possible. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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