

(11)

Central Administrative Tribunal  
Principal Bench

O.A. No. 831 of 1999

New Delhi, dated this the 27<sup>th</sup> January, 2000

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Virender Kumar Sharma,  
Data Entry Operator,  
Central Excise, Division III,  
NOIDA, U.P.

... Applicant

(By Advocate: Shri D.K. Garg)

Versus

1. Union of India through  
the Secretary,  
Government of India,  
Ministry of Finance, Dept. of Revenue,  
New Delhi.
2. The Commissioner,  
Central Excise Commissionerate,  
Meerut.
3. The Asst. Commissioner,  
Central Excise Division III,  
NOIDA, U.P.

... Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Heard both sides.

2. Even if, as claimed by respondents, applicant was engaged by them as a Group D employee on daily wages it is clear from respondents' own certificate dated 13.4.98 (copy at Annexure A-2) that they have been taking work from him as a Group C employee (Data Entry Operator). Applicant is entitled to the emoluments admissible for the work he is discharging and accordingly respondents are directed to pay him the emoluments of a Data Entry Operator in Government employment, calculated on daily

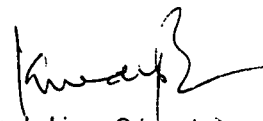
m

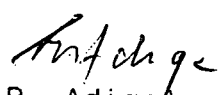
12

wage basis, after deducting the sums already paid to him, from the date they have been taking work as Data Entry Operator from him, with arrears, within three months from the date of receipt of a copy of this order.

3. Furthermore subjectg to the availability of post/vacancy ~~of~~ Data Entry Operator in respondent's office, respondents should consider applicant's prayer for regular appointment as Data Entry Operator if applicant is eligible and qualified for the same, and in accordance with rules and instructions on the subject.

4. The O.A. is disposed of in terms of Paragraphs 2 and 3 above. No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

/GK/