

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 885 of 1999

New Delhi, this the 8th day of February, 2000

(11)

HON'BLE MR. KULDIP SINGH, MEMBER (JUDG.)

Mukesh s/o Shri Ram Charan,
R/o Lady Harding Staff Quarters,
Qtr. No. 90, Block No. 12,
New Delhi-1

-APPLICANT

(By Advocate: Shri U. Srivastava)

Versus

Govt. of N.C.T. Delhi, through

1. The Secretary,
S, Sham Nath Marg,
New Delhi
2. The Principal & Medical Superintendent
Lady Harding Medical College,
and Shrimati Sucheta Kripalani Hospital,
New Delhi

-RESPONDENTS

(By Advocate: Mrs. P. K. Gupta, through proxy counsel
Shri Harvir Singh)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (Judg.)

The applicant in this case was working as casual labour and had been conferred temporary status. He states that his services have been terminated without any notice and he is entitled for reinstatement as juniors to him are working with the respondents.

2. The respondents have contested the petition. Their plea is that the applicant's work was not found to be satisfactory and, therefore, his services were terminated. It is further stated that the applicant has shown total lack of devotion to duty as he remained absent during office hours.

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3. I have heard the learned counsel for the parties and gone through the records. (12)

4. The main plea of the applicant is that his services have been terminated without giving him any notice. He also pleaded that the plea of the respondents that his work was not satisfactory does not hold good because no enquiry was conducted against him. From the perusal of the file, I find that the contentions raised by the learned counsel for the applicant do have merits because the record shows that on an earlier occasion also when the respondents wanted to terminate the services of the applicant, they had issued him one month's notice. However, thereafter they had re-engaged the applicant since he had already been granted temporary status.

5. Now, again the respondents have terminated the services of the applicant but no notice had been issued to him. As such, the termination of services of the applicant without notice is bad in law and the same deserves to be quashed.

6. In view of the above discussion, the OA succeeds and is allowed. The respondents are directed to re-engage the applicant as casual labour within one month from the date of receipt of a copy of this order. No costs.

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(KULDIP SINGH)
MEMBER(JUDL)

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CC: *.....* S. D. B.