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Central Administrative Tribunal
Principal Bench

O.A. 925/99

New Delhi this the 5 th day of October, 1999

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

Manish Kumar,
S/o Shri Om Prakash,
R/o WZ 105, Vill. Dasghara,
Balmiki Basti,
PO-Pusa,
New Delhi.

... Applicant.

By Advocate Shri R.K. Shukla.

Versus

Union of India through

1. Secretary,
Ministry of Finance,
South Block,
New Delhi.
2. The Controller General
of Accounts,
Department of Expenditure,
Minsitry of Finance,
7th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi.

... Respondents.

By Advocate Shri P.H. Ramchandani.

O R D E R (Oral)

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

Heard both the learned counsel for the parties.

2. The applicant was admittedly engaged as Casual Driver initially for a period of 86 days and thereafter his services were extended for another month. The applicant had acquired the driving licence on 31.12.1997 and the respondents have stated that he did not have any experience of driving a Car before he was engaged on 4.12.1998. His services as Casual Driver had been extended from 1.3.1999 to 30.4.1999 but he was disengaged w.e.f. 21.3.1999. They have stated that the applicant's driving was not upto the mark, it was rather rash and he did not follow the traffic

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rules on some occasions, thereby exposing the Government vehicle and the officer being transported in the Car to danger. They have also submitted that after dispensing with his services, they had to engage a person for about 40 days after which they ~~they~~ found that they do not need the services of Driver.

3. Shri R.K. Shukla, learned counsel for the applicant, submits that the applicant was appointed as Casual Driver after an interview and when the respondents had scrutinised his records, they ought to have known that he did not have any experience but still engaged him as Driver on casual basis for three months. He has further submitted that as the applicant is without any employment, the respondents should be directed to consider re-engaging his services as Casual Driver or even as Casual Labourer, that is in any capacity which they deem fit. This submission of the learned counsel is untenable as the post of Driver is that of Group 'C' and the Casual Labourers are appointed against the work done by Group 'D' staff. Therefore, such a wide contention on behalf of the applicant cannot be accepted. The respondents have submitted that after engaging the Driver who was duly qualified from Automobiles Association of Upper India for a short period of 40 days, they have not engaged any other Driver and do not also require the services of any other Driver on casual basis.

4. Noting the above facts and circumstances, as admittedly the applicant was only engaged as Driver on casual basis, the prayer for a direction to the respondents to re-engage him, is not tenable. However, if the respondents take any action for recruitment of a Driver, he

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apply for the same and he should be considered along with the others in accordance with the Rules and instructions.

O.A. disposed of, as above. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'