

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 975 of 1999

New Delhi, this the 14th day of December, 2000

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

P. Ganesh S/o Shri Pallani Swami
Aged 20 years
R/o M-123, Anad Vas
Shakurpur, J.J. Colony,
New Delhi 110 034.

-APPLICANT

(By Advocate: Shri B.B. Raval)

Versus

1. Union of India (Through the
Secretary to the Govt. of India)
Department of Statistics,
Ministry of Planning,
Govt. of India,
Sardar Patel Bhawan,
Sansad Marg,
New Delhi-110 001.
2. Director General,
Central Statistical Organisation,
Department of Statistics,
Ministry of Planning,
Govt. of India,
Sardar Patel Bhawan,
Sansad Marg,
New Delhi-110 001.

-RESPONDENTS

(By Advocate: Shri M.K. Bhardwaj, proxy counsel for
Shri A.K. Bhardwaj, Counsel for respondents)

ORDER

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

In this OA the applicant is aggrieved of the fact that his services had been terminated by an oral order when he had proceeded on leave for 2 days for Pooja on account of Pongal on 8th and 9th of April, 1999 and after that when he went to join the duties, he was not allowed to join his duties.

2. The case of the applicant is that he was engaged on daily wages and was working with the office of the Director-General, Central Statistical Organisation,

Ministry of Planning. His name was also sponsored through an employment exchange for job of casual worker.

3. It is further pleaded that the applicant has already completed nearly 260 days of work and he was in the process of grant of temporary status in terms of Government of India Scheme (Min. of Personnel PG & Pensions, Department of Personnel and Training Scheme of 10.9.1993 and his case had ripened for grant of temporary status and at that moment, his services had been terminated by an oral order.

4. It is also pleaded that junior to him particularly one Shri Sunil Kumar joined a little later to the applicant and has put in less number of days of work but is still continuing in employment. The termination of the services of the applicant, is alleged to be amounting to unfair labour practices, so it is prayed that the respondents be directed to re-engage the applicant with continuity of service and to reconsider his case for grant of temporary status in accordance with the Scheme of DOP&T dated September, 1993.

5. The application is contested by the department. The respondents admit that the applicant was engaged as daily wage worker on purely temporary basis with effect from 22.4.98 and after the initial period of his engagement, his work and conduct were not found to be satisfactory and he was reprimanded quite often. He had also indulged in an incident of physical violence with the staff of the department for which he had given a

h

34

written apology.

6. It is also denied that the applicant had sought leave on 8th and 9th April, 1999 in connection with Pooja on account of Pongal. Rather in his representation he has mentioned that he has to take part in pulling a Rath of Goddess Mayya on 8th and 9th April, 1999. This stand appears to be contrary and the applicant is seeking shelter under the flimsy grounds to misrepresent the court.

7. The respondents also pleaded that the applicant had filed an OA No. 1012/99 in which he had filed another application dated 6.4.99 whereas in the present case his application is without date, so the applicant should be called upon to explain the same and why two different applications have been filed.

8. As far as continuation of engagement of Shri Sunil Kumar is concerned, it is stated that he was engaged just after one day of the engagement of the applicant and he is better qualified than the applicant and moreover the applicant's services were not satisfactory and he was also involved in an incident of physical violence with the staff member, so his services had been disengaged.

9. I have heard the learned counsel for the parties and have gone through the records of the case.

10. The learned counsel for the applicant submitted

h

that he had gone on leave for 2 days on account of Pongal and merely for that reason his services had been terminated and his right of freedom of religion has been violated and on this ground his services should not have been dispensed with particularly so when junior to him is still continuing. However, from a perusal of the representation on record submitted by the applicant himself show that the applicant has not been given leave on account of Pongal but on account of some other religious function. Assuming for the sake that he had gone on leave on 8th and 9th April, 1999 for some religious function, but how he could file two different applications one with date 6.4.99 and other without date. There is no proper explanation given in the rejoinder to this effect.

11. Besides that, the respondents have categorically stated that the conduct of the applicant was not found to be satisfactory and moreover he had also indulged in an incident of physical violence with the staff of the department for which he had given an unconditional written apology. The applicant's counsel tried to explain this by saying that he does not know Hindi and somebody else has written his application and obtained his signatures just to remove him from service. To my mind this plea of the applicant has no merit because the said apology had been written sometime in June, 1998 and his services had been terminated/dispensed with in the year 1999. It cannot be expected of the respondents that they will obtain such like documents in advance for a period more than 6 months from the actual

la

(36)

date of dispensing with the services of the applicant.

So on this score the story of the applicant is not reliable and I find that no case for re-engagement is made out since the department is not satisfied with his conduct.

12. In view of the above, OA has no merit and the same is dismissed.



(KULDIP SINGH)
MEMBER (JUDL)

✓ Rakesh