

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.1980/98

New Delhi, this the 21st Day of April, 1999

Hon'ble Shri R.K. Ahooja, Member(A)

Shri Kuldeep Singh
S/o Shri Kailash Chander
r/o N-322, Road No.3,
Andrewsganj, New Delhi - 110 049Applicant

(By Advocate: Shri H.C. Sharma)

Versus

Union of India
through Secretary
Ministry of Non Conventional
Energy Sources,
CGO Complex, Lodhi Road,
New Delhi - 110 003 Respondent

(By Advocate: Shri K.K. Patel)

O R D E R

The applicant was engaged as a Waterman in Solar Energy Centre, Ministry of Non Conventional Energy Sources with effect from 14.5.1990. Subsequently he was granted temporary status with effect from 1.9.1993. Apprehending that the respondents were considering the names of his juniors for regular appointment against vacant Group 'D' post he filed an O.A. No.1508 of 1998 for a direction to the respondent to consider his name also. The O.A. was disposed of with a direction to the respondent to consider the applicant's pending representation and on that basis to also consider his name as per rules and instructions. The applicant submits that despite these instructions the respondent has again left him out and appointed two of his juniors to the post of Peon in the Ministry in a temporary capacity by Order dated 25.6.98.

2. The respondent, has stated in reply that the applicant is working in Solar Energy Centre while the three persons who have been given appointment were working directly in the Ministry where the vacancy of Peon had arisen. Consequently, the applicant can have no cause for grievance.

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3. The applicant has produced two letters one dated 22.3.95 from the Ministry of Science and Technology whereby a Director in the Department of Non-Conventional Energy Sources has been authorised to discharge functions and administrative powers of a Head of Department in respect of the Solar Energy Centre and the second letter dated 8.4.92 where the status of Solar Energy Centre has been described as that of an Attached Office of the Deptt. of Non-Conventional Energy Sources. I do not consider that these two letters are relevant to determine the issue at hand. The essential question is whether the applicant is in a separate recruiting unit. It appears that the Solar Energy Centre is located at Gawal Pahari in a separate location from the Ministry. There is also a separate officer who exercises the powers of Head of Department of the Solar Energy Centre. The applicant has not been able to establish that the two persons who were regularly appointed were also appointed as casual labour by the same authority as the one which appointed the applicant. The learned counsel for the applicant has himself drawn my attention to a letter dated 18.6.96 (Annexure IV) in which it is stated that the Ministry of Non-Conventional Energy Sources has decided to club Secretariat (Proper) Solar Energy Centre and Regional

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offices for effecting promotion of staff car drivers. No such order has been issued in respect of Peons of the Ministry. Consequently, in the absence of the clubbing order the applicant ^{again} ~~again~~ claimed that he is also entitled for the post of Peon in the Secretariat (Proper).

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4. In the result the O.A. fails and is accordingly dismissed.

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R.K. Ahooja
(R.K. AHOOJA)

MEMBER (A)

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