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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.76/1998

New Delhi, this 9th day of October, 1998

HON'BLE SHRI S.P. BISWAS, MEMBER(A)

Shri Vijay Pal
1962, Chandu Lal Harijan Mohalla
Kotla Mubarakpur
New Delhi
(By Shri A.K. Bhardwaj, Advocate)

Applicant

versus

Union of India, through

1. Secretary
Dept. of Women & Child
ICCW Building, New Delhi
2. Under Secretary
Dept. of Women & Child
ICCW Building, New Delhi

Respondents

(By Shri S. Mohd. Arif, Advocate)

ORDER(oral)

Heard the learned counsel for both parties.

2. The issue that falls for determination is very simple.

The applicant who was working as temporary status casual labourer is aggrieved by respondents' action in terminating his services with effect from 1.8.97 verbally without giving him notice of termination or issuing any other order in writing.

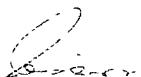
3. The undisputed facts are that the applicant was issued with a letter dated 30.5.97 conferring temporary status on him. It is also not in dispute that the case of the applicant and similarly placed persons are to be governed by the provisions of the Scheme dated 10.9.93. Para 7 of the said Scheme

indicates the procedures to be adopted for dispensing with the services of those who have acquired temporary status. Respondents themselves have submitted vide their reply statement on 24.7.98 that though temporary status was conferred as per rules, one month's notice could not be issued because of inadvertent mistake on their part. When the rules prescribe specific action according to the provisions laid down, respondents have no alternative but to go in for strictly in terms of those provisions. It is well settled in view of the law laid down in Nazvi Ahmed Vs. King Emperor, AIR 1936 PE 253 that where a power is given to do a certain thing in a particular manner, it has to be done in that manner only or not at all. Arising out of admission of the respondents, the OA deserves to be admitted mainly because they have not complied with the provisions of the scheme.

4. Under the circumstances, the OA is allowed with the following directions:

- (i) Order of termination (oral) of the applicant from 1.8.97 is quashed. Respondents are directed to take the applicant back on roll of their services and offer him job, if available, strictly in terms of seniority and the provisions of the Scheme;
- (ii) Our orders, however, shall not stand in the way of respondents to initiate any action but only according to Rules.

The OA is disposed of as aforesaid. No costs.


(S.P. Biswas)
Member(A)

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