

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.900 of 1995

New Delhi, this 17th day of December, 1997.

HON'BLE MR. K. MUTHUKUMAR, MEMBER(A)

Raghuvar Kumar
S/o Shri Bhim Ram,
D-Block, 1st Floor,
Room No.1, Sujan Singh Park,
New Delhi-110003.

... Applicant

By Advocate: Shri Ashish Kalia

versus

Union of India, through

1. The Secretary
Services, Government of
N.C.T. Delhi,
Sham Lal Marg,
Delhi.

2. The Head of Office
Commission for Other
Backward Classes,
GNCT of Delhi,
Vikas Minar, 5th Floor,
New Delhi.

.... Respondents

By Advocate: None.

O R D E R (ORAL)

Heard the learned counsel for the applicant.
None appears for the respondents. As this is a 1992
matter and is at sl.no.2 in today's cause list under
regular matters, this OA is disposed of after
hearing the learned counsel for the applicant and also
on the basis of the pleadings in the case.

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2. The applicant seeks to quash the impugned order dated 1.8.1994 in so far as he is concerned and prays for a direction to the respondents to allow him to continue in service from 1.8.1994 with all consequential benefits. (9)

3. As seen from the impugned order, the applicant was working as Staff Car Driver on adhoc and emergent basis in the Justice Jain Shree Aggarwal Committee under Respondent No.1. Consequent on the winding up of the aforesaid Committee, the staff so appointed were transferred to the newly constituted Commission of Other Backward Classes under the Government of N.C.T. Delhi with effect from 1.10.93 and the applicant also joined the Commission. However, since there were no posts to accommodate the staff, a proposal was moved for accommodating them elsewhere which was, however, not agreed to by the Government. However, the applicant continued on adhoc basis pending creation of posts till 31.7.94. Thereafter since no approval for the creation of post was forthcoming, Respondent No.2 discontinued the services of the applicant with the Commission. The learned counsel for the applicant submits that this is a permanent Commission with regular staff.

4. The respondents have, in their reply, stated that at the time when the juniormost persons were discontinued as a result of the non-creation of new posts, the applicant was offered a post by the competent authority, i.e. Secretary (Service), Govt. of N.C.T. Delhi under whose jurisdiction certain posts were likely to be filled up. It is, however,

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stated that the applicant did not bother to respond to the offer that was made to him by the authority concerned and, therefore, it could not be said that the action taken was malafide and they had to discontinue the services of the applicant only due to non-availability of posts and also due to non-requirement of the staff.

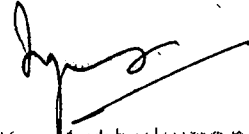
5. The applicant strictly denies that he was offered any appointment by the Secretary(Service) as stated in the counter reply.

6. In the facts and circumstances of the case, I am of the view that the prayer of the applicant for quashing the impugned order at Annexure A-1 cannot be granted. It is stated that the applicant had worked with the Jain Shree Aggarwal Committee from 1.11.1991 and later on with the Other Backward Commission till 1.8.1994, i.e. for a period of about three years. The action of the respondents in discontinuing the services due to non-creation of fresh posts to accommodate the staff, cannot be faulted. However, taking into account the services rendered by the applicant in the past, the only direction that can be given at this stage to Respondent No.1 is to consider engaging the applicant in preference to freshers and new recruits against any casual or regular post as may become available with them in accordance with Rules as are applicable in such cases. It goes without saying that the applicant should make necessary representation in this regard to Respondent No.1 for a favourable and sympathetic consideration of his case subject to the observations as above.

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7. The OA is disposed of as above. There shall be no order as to costs.



(K. Muthukumar)
Member (A)

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