

Central Administrative Tribunal, Principal Bench

O.A. 1984/96
with
O.A. 1990/96

New Delhi, this the 9th day of March, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman
Hon'ble Mr. V.K. Majotra, Member (Admin)

O.A. 1984/96

Dhani Ram,
Life Guard,
under the Director (Education) Delhi,
R/o 272/18, Meera Nagar, Khanda Road,
Gurgaon.

Applicant.

(None present)

Versus

1. Union of India through
the Chief Secretary,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi-110054.
2. The Secretary (Education),
Govt. of NCT of Delhi,
5, Shammath Marg,
Delhi-110054.
3. Director (Education),
Old Secretariat,
Delhi-110054.

Respondents.

(By Advocate Shri D.S. Jagotra proxy for Shri
Rajinder Pandita)

O.A. 1990/96

Brahm Dutt,
Life Guard,
under the Director (Education) Delhi,
R/o M-2/11C, Budh Vihar,
Phase-I, Delhi-110041.

Applicant.

(None present)

Versus

1. Union of India through
the Chief Secretary,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi-110054.

2. The Secretary (Education),
Govt. of NCT of Delhi,
5, Sharnath Marg,
Delhi-110054.

3. Director (Education),
Old Secretariat,
Delhi-110054.

Respondents.

(By Advocate Shri D.S. Jagotra proxy for Shri
Rajinder Pandita)

ORDER (Oral)

By Justice Ashok Agarwal, Chairman.-

Points involved in both these O.As are similar and hence the same are being disposed of by this common order

2. The applicants are in the employment of the Education Department of the respondents as employees. Applicant in O.A.1984/96 is employed as a Mechanic-cum-caretaker whereas the applicant in O.A.1990/96 is employed as Laboratory Assistant. Both of them were directed to perform the duties of Life Guard in addition to their normal duties. They were instructed to help the Swimming Instructor in the Swimming Pool. Aforesaid instruction was issued by the Deputy Director Education (Sports). By the present O.As, the applicants claim that they should be regularly appointed as Life Guards in the scale of Rs.1400-2600 with effect from the date they were asked to perform the duties of Life Guards.

3. We have perused the entire material which has been placed on record and we find that the applicants at no stage have been appointed to the post.

of Life Guards. All that has been done is to help and assist the Swimming Instructor. This duty they were required to do in addition to the duties of Mechanic-cum-caretaker and Laboratory Assistant. The aforesaid order and direction requiring the applicants to perform the additional duties was issued by the then Deputy Director Education (Sports), who is not the appointing authority for the post of Life Guard. The applicants were never paid the salary of Life Guards. They continued to draw their salaries of the posts of Mechanic-cum-caretaker and Laboratory Assistant. In the circumstances, the prayer contained in the present O.As for regularising their services to the post of Life Guard cannot be sustained. Present O.As in the circumstances are dismissed. No order as to costs.

4. Let a copy of this order be kept in O.A. 1990/96.

(Ashok Agarwal)
Chairman

(V.K. Majotra)
Member (Admin)

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