

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 2178 of 1997

New Delhi, this 25th day of the October, 2000

(b)

Hon'ble Mr. Justice Ashok Agarwal, (Chairman)
Hon'ble Mr. M.P. Singh, Member(A)

Sanjeev Kumar
S/o Bishan Singh
H.No.38,
V & P.O., Mitraon,
New Delhi-43.

... Applicant

(By Advocate: Shri P.L. Mimroth)

Versus

1. The Director
Directoate of Social Welfare,
(N.C.T.) old I.T.I. Building,
Kasturba Gandhi Marg,
New Delhi-110001.
2. Shri B.S.Tolia,
Supptt.
Beggar Home-II,
Lampur, Delhi.
3. Sh.K.L. Sharma
Welfare Officer,
Beggar Home-II,
Lampur, Delhi.

.... Respondents

(By Advocate: Shri Rajinder Pandita)

ORDER (oral)

Hon'ble Mr. M.P. Singh Member (A)

The applicant has filed this OA under section 19 of the Administrative Tribunals Act 1985 challenging the order dated 5.9.1997 passed by Respondent No.2.

2. The brief facts of the case are that the applicant was appointed as part time candle Instructor with respondent No.1 on 11.4.1994. He was adjusted against the sanctioned post created by the Director, Social Welfare Deptt., (Govt. of NCT, Delhi) and posted at



Baggar Home-II, Lampur Complex, Delhi for mentally retarded persons on a consolidated honorarium of Rs.1500/- P.M. It is alleged that in order to harass the applicant, he was being served with bogus notices alleged to be an office memorandum by the Respondent No.2. The applicant has earlier filed OA 2029/96 and the same was disposed of by the Tribunal's order dated 14-11-1996 directing the Respondents to decide the representation by passing a speaking and reasoned order.

3. In pursuance of the direction given by the Tribunal, the respondents have decided his representation and have rejected the same. Aggrieved by this, the applicant has filed this OA seeking the direction to quash and set aside the dismissal order dated 5.9.1997.

4. The respondents have contested the case and have stated that the applicant was a part-time daily rated staff. He was a part time Instructor for candle making and was paid Rs.60/- per day or maximum of Rs.1500/- p.m. for 25 days. There is no regular post of a part-time candle Instructor. The Government introduced a grant-in-aid scheme for begging prevention under which a lump sum amount is provided for vocational training to inmates of Baggars Homes. According to the respondents, the conduct of the applicant was not proper and hence his services were dispensed with. Since he was a daily rated staff, the provisions of C.C.S.



(18)

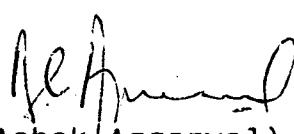
(C.C.A.) Rule 1965 are not applicable to him. Therefore, there is no need for a formal inquiry under Rule 14 of the CCS (CCA) Rule, 1965. In view of the aforesaid reasons, the application is likely to be dismissed.

5. Heard both the learned counsel for rival contesting parties and perused the records.

6. It is an admitted fact that the applicant, was appointed as a part-time candle Instructor on daily wages. He was being paid at the rate of Rs.60/- per day, as a casual worker and was being paid out of contingencies, granted by the Govt. from time to time for this work. Since he was not appointed ~~against~~ ^{on} a regular sanctioned post, he cannot claim his regularisation in the Department. His services are liable to be terminated without holding a formal enquiry as he was not a permanent employee. In view of the aforesaid reasons, there are no grounds to interfere with the order dated 5.9.1997 passed by respondent No.2 by which the services of the applicant were dispensed with.

7. For the reasons stated above, the OA is devoid of merits and is accordingly dismissed. There shall be no order as to costs.


(M.P. Singh)
Member(A)


(Ashok Aggarwal)
Chairman

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