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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH.

OA No.2670/1997

New Delhi: this the 22nd September, 1998.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

Subey Singh,  
S/o Shri Richhpal Singh,  
R/o House No. 58, Old Rishi Kardampuri,  
Shahdara,  
Delhi-32 ..... Applicant.

(By Advocate: Shri Dinesh Kumar)

Versus

Govt. of National Capital Territory of Delhi,  
through its Secretary,  
5, Shyam Nath Marg,  
Delhi -054. .... Respondent No.1

2. Election Commission  
of Delhi, through Election Commissioner,  
Govt. of NCT of Delhi,  
Nigam Bhawan, 1st Floor,  
Kashmere Gate,  
Delhi. .... Respondent No.2.

(By Advocate: Shri Raj Singh-for R-2)

ORDER (ORAL)

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns the contemplated action  
of respondents in terminating his services w.e.f.  
25.11.97 and seeks regularisation as Driver.

2. I have heard Shri Dinesh Kumar, counsel for  
applicant and Shri Raj Singh for Respondent No.2  
(Election Commission of Delhi).

3. None has appeared for Respondent no.1  
(Govt. of NCT of Delhi).

4. Shri Raj Singh states that applicant along  
with others were appointed by Municipal Corporation  
of Delhi and their services were made available to  
Election Commission under section 29 of the  
Representation of People Act, 1950. He contends  
that Respondent No.2 (Election Commission of Delhi)  
has no staff of its own and hence it is not possible

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14

for them to regularise the applicant.

5. On the other hand, applicant's counsel denies that the applicant was appointed by the Municipal Corporation of Delhi and contends that he is an employee of Delhi Administration. It is not denied that after appointment of applicant in December, 1993 he had received payment of wages from the MCD, as well as Govt. of NCT of Delhi, and for a time when his services were with Chandigarh Administration, he had also received wages from that administration also.

6. I note that an interim order was passed on 17.11.97, and the applicant is still continuing in service and Shri Raj Singh has stated at the Bar that there is no immediate threat of the applicant's services being terminated.

7. On going through the pleadings in the OA while in Note of Head Clerk (Admn), Election Office on the letterpad of MC (Page 17 of the OA) it is mentioned that the applicant and other daily wagers had been deployed in Election Commissioner's Office as Helpers, there is also a Certificate (Page 10 of the OA) to the effect that the applicant worked as Driver in Election Commission, Govt. of NCT of Delhi from December, 1996 to February, 1997. Shri Raj Singh however, points out that this certificate was given in a private capacity as it bears no letter number. There is also a letter dated 16.7.96 (Annexure-C) from Deputy Secretary (Admn), Election Commission,

15

Govt. of NCT of Delhi to the applicant that his name has been sponsored by the Sub-Regional Employment Officer, Employment Exchange Pusa, New Delhi for casual job of Driver as Daily Wager, and directing him to meet that officer on 23.7.96.

8. In the facts and circumstances of the case, if Election Commission, Govt. of NCT of Delhi does have any permanent vacancy in the post of Driver, they should consider the prayer for regularisation of the applicant in accordance with rules and instructions on the subject, strictly in his turn as per seniority. Meanwhile I note the statement of Shri Raj Singh at the Bar that there is no immediate threat of termination of the applicant's services. No costs.

*Anjole*  
( S.R. ADIGE )  
VICE CHAIRMAN (A).

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