

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2345/94

New Delhi this the 26th day of July, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (D)
HON'BLE SHRI R.K. AHOOGA, MEMBER (A)

Sunil Kumar,
S/o Shri Bameswar,
R/o C/o M/s Havai
General Store,
Village Lado Sarai,
Mehrauli,
New Delhi.
(By Advocate: None)

..... Applicant

Versus

1. General Manager (Canteen)
Lok Nayak Jai Prakash Narayan
Hospital
New Delhi-110002.

2. Dy. Medical Superintendent-cum-
Director (Administration)
Lok Nayak Jai Prakash Narayan
Hospital,
New Delhi-110002.

..... Respondents

(By Advocate: None)

ORDER (Oral)

By Hon'ble Shri R.K. Ahooga, M(A)

This case is being disposed of on the basis of the pleadings before us in terms of the CAT Procedure Rules. The applicant submits that he had been working as a Bearer in the Departmental canteen of LNJP Hospital. As his health did not permit him to take the strain of undertaking two jobs, he approached the Manager of the canteen. One Shri V.N. Sharma, who advised him that he should submit an application stating that he should be given only one duty and if that was not possible, the application should be treated by the respondents as his resignation. He states that on the basis of this advice he gave an application dated 10.6.92 at Annexure-8 to the effect that in case the Manager was not in a

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position to assign him only one duty, his account may be settled. This resulted in the impugned order dated 3.7.92 in which it is stated that his resignation has been accepted. The applicant states that he had been working as a Bearer since 1985 and as such his services could not be dispensed with in this fashion.

2. The respondents in the reply have denied the allegations of the applicant. They denied that he had been working on ~~continuous~~^{continuous} basis, since he had been engaged as a casual labour from time to time. Even at the time of termination of his engagement, he was working in a leave vacancy of a washer boy. They submit that the resignation of the applicant was voluntary. As he was only a casual worker and he was not even granted temporary status there was no impediment to its acceptance.

3. We have gone through the pleadings. The allegation of the applicant that he was given wrong advice by the Manager because of malafide reasons is untenable and outside our purview. Admittedly, he had requested that he may be relieved in case he had to work both as the washer boy as well as the Bearer. As a Casual Worker his services could be dispensed with on the basis of his request. As regards the grant of temporary status, the scheme for grant of temporary status was not in force at the relevant time since it was notified by the DOPT only in 1993.

In view of the above position, finding no ground for interference, the DA is dismissed. No costs.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER (A)

cc.

V.Rajagopal Reddy
(V.RAJAGOPALA REDDY)
VICE-CHAIRMAN (J)