

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1413/2000

19

New Delhi, this the 21st day of September, 2001

HON'BLE SH. KULDIP SINGH, MEMBER (J)

In the matter of:

Shri Gopi Chand,
S/o Shri Hira Lal,
Designated as Dhobi (Daily Wages)
In Raj Kumari Amrit Kaur College of Nursing,
Ministry of Health & Family Welfare,
Residing at Quarter No.1, RAK College of Nursing,
Lajpat Nagar, New Delhi-24.

(By Advocate: Sh. B.Krishan)

Versus

1. Union of India, Through
The Director General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhavan,
New Delhi - 110 011.
2. The Principal,
Raj Kumari Amrit Kaur College of Nursing,
Lajpat Nagar,
New Delhi-24.

(By Advocate: Sh. N.S.Mehta)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

This is an OA filed by the applicant as he has a grievance that his services have been terminated vide an order dated 24.7.2000 which is being impugned by the applicant on the grounds that the same is illegal arbitrary and he has been denied the right to continue as Dhobi (Washerman) on regular basis and the entire action on the part of the respondents in terminating his service is illegal.

2. Facts in brief as ^{alleged} ~~relied~~ by the applicant are that the applicant was appointed as Dhobi vide order dated 10.6.1963 on terms and conditions as contained in Annexure A-3. He was allowed DA, CCA etc. and he had also been allowed medical benefits under the Central Government Health Scheme and that

Kur

in the appointment letter it was mentioned that his services could be terminated at any time without notice but if the appointment letter read as a whole the applicant has been appointed on regular basis and his service could not be terminated after giving one months notice so it is prayed that termination order may be quashed and set aside.

3. Respondents are contesting the OA. They admit that applicant was appointed as Dhobi but respondents do not require his services. However, they also admit that applicant is being paid wages in the capacity of casual labour from time to time. They further admit that an identity card and CGHS card was issued but these documents do not establish that he was appointed as regular time scale ^{employee} with the respondents. ~~He~~ ^{Respondent} also submitted that there is no post sanctioned for appointment as Dhobi on regular basis and the petitioner is working as Dhobi only as a contingency staff. It is submitted that OA should be dismissed.

4. I have heard the learned counsel for the parties and perused the material on record. Learned counsel for applicant has also referred earlier orders passed by Coordinate Bench of this Tribunal in case of Sh. Hira Lal Vs. Union of India in OA-1468/2000 and Smt. Natho Devi Vs. Union of India in OA-1467/2000. In both the cases the applicants had been appointed as Dhobi by the same Institute and almost on similar terms and conditions and their OAs were allowed. Respondents were directed to take action to treat the applicants as regular Group 'D' employees and since in their case they had already reached the age of superannuation on attaining the age of 60 years the Tribunal granted them all consequential benefits in respect of the aforesaid period. Respondents were further directed to grant the pension if at all they became

Am

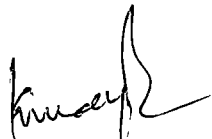
- 3 -

(21)

eligible for the same in accordance with the rules and regulations on the subject by treating them as having superannuated after attaining the age of superannuation.

5. Since the facts in the present case are also similar to those two cases and as law laid down in the case of two other OAs ^{is also binding on} ~~who appears on~~ the present case. ^u ~~and~~ The only difference in this case is that applicant ^{is} ~~has~~ yet to reach the age of superannuation. Hence, I find that this OA can also be disposed of by quashing ^u the order of termination by which the service of the applicant have been terminated and to treat the applicant as regular employee from the date of engagement and the applicant should be allowed to continue till the age of superannuation as per law. Accordingly, I dispose of this OA and quash ~~the~~ the order Annexure A-1 and direct the respondents to reinstate the applicant in service with all consequential benefits and further allow the applicant to continue to work till the date of superannuation subject to the relevant rules and regulations and the applicant's services be treated as regular from the date of engagement and be given the similar benefits as given to applicant in case OA No. 1467, 1468 of 2000.

6. The applicant has also made a prayer that he may not be dispossessed from the Government accommodation which had been provided to him. As far as this prayer is concerned the respondents are at liberty to take action in accordance with the prescribed procedure.


(KULDIP SINGH)
Member (J)

'sd'