

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA NO. 1718/2000

OA NO. 1478/2000

This the 28th day of August, 2002
HON'BLE SH. KULDIP SINGH, MEMBER (J)

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OA NO. 1718/2000

Umesh Chandra Tiwari,
B-860/13 II Pusta,
Sonia Vihar,
Delhi-110094.

OA NO. 1478/2000

Manmohan
Quarter No. 221, Police Colony,
Block-H, Ashok Vihar,
New Delhi-110052.
(Permanent Address)

Manmohan
H.No. 1268C, Ward No.31,
Pragati Nagar,
Chottu Ram Chowk,
Gohana Road,
Sonipat-131001
(Haryana).
(By Advocate Sh. S.Y.Khan proxy for
Sh. B.B.Raval)

.... Applicants

Versus

1. Additional Director General (P),
Prison Headquarters,
Central Jail, Tihar,
New Delhi-110064.
2. Govt. of National Capital Territory
of Delhi,
Through Deputy Secretary (Home),
Govt. of N.C.T. of Delhi
Home (General) Department,
5, Shamnath Marg,
Delhi-110054.
(By Advocate: Sh. Vijay Pandita)

.... Respondents

ORDER (ORAL)

Applicants have filed the OAs seeking following
reliefs:

- (i) The Hon'ble Tribunal may be pleased to hold
the order dated 22d February, 2000 (Ann: A1 colly)
as illegal, inoperative and not binding on the
applicants
- (ii) The Hon'ble Tribunal may be pleased to set
aside the impugned order dated 22nd February,

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2000; and order reinstatement of the applicants in the post of Pharmacist last held by him in the regular cadre with full emoluments and consequential service benefits and continuity of service available to other staff employed on regular basis with retrospective effect w.e.f. 31.8.98 in OA-1718/2000 and w.e.f. 15.4.96 in OA-1478/2000.

(25)

- (iii) To grant ad interim relief by staying the operation and implementation of the order dated 22nd February, 2000 and to make the same absolute after notice to the respondents.
- (iv) To restrain the respondents from making any appointment instead and in place of applicants.
- (v) To order respondents to reinstate the petitioners with full emoluments applicable in the case of other regular staff with arrears of full salary from the date of joining employment w.e.f. 31.8.98 in OA-1718/2000 and w.e.f. 15.4.96 in OA-1478/2000 till the date of reinstatement including the continuity of service.
- (vi) To pass such other order and direction as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

2. The claim of the applicants is that they were employed in State Govt. of N.C.T. of Delhi as Pharmacist and were holding a regular post. They were appointed after going through the formality of interview and all other procedure for getting the appointment. However, it is stated that suddenly on 22.2.2000 when applicants ^{had} ~~were~~ gone to hospital for doing their night shift they were handed over a copy of the letter dated 21.2.2000 wherein it is stated that worthy ADG(P) has desired that services of all NGO Pharmacists and ward boys be ^{dispensed with} ~~disposed of~~ with immediate effect.

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3. According to the respondents applicants were not employees of the State Govt.. They were employed only as NGOs (non govt. officials) and were not holding any civil post. Applicants have no right to seek any relief from this Tribunal since they have never been appointed by the Govt. Counsel for respondents has also referred to judgment given by a Coordinate Bench of this Tribunal in case of QA-55/2000 wherein the same facts were involved and the applicants therein were also NGOs and the case was dismissed. Since the case of the applicants is also similar to that and the judgment relied upon by the counsel for respondents is fully applicable to the case of the present applicants also, so the QA has to be dismissed. Accordingly, both the QAs are dismissed.

(KULDIP SINGH)
MEMBER (J)

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Pharma attach.

in aff 1278100