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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP.204 of 2000
in
OA No.939 of 2000

New Delhi, this 28th day of July, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry Member(A)

Dalbir Singh
S/o Shri Chhote Ram
R/O Vill & PO Malikpur
New Delhi.

... Petitioner

(By Advocate: Shri U. Srivastava)

versus

1. Shri K. Kaushal Ram
Secretary/Chairman
Ministry of Industry
Department of Industrial Policy an Promotion
VII Floor Lok Nayak Bhawan
Khan Market
New Delhi.

2. Shri Y. Uppal
Secretary
Tariff Commission
Lok Nayak Bhawan
Khan Market
New Delhi-3.

3. Shri Gyan Chand
Under Secretary to the Govt. of India
Department of Industrial Policy and Promotion
Tarrif Commission
VII Floor Lok Nayak Bhawan
Khan Market
New Delhi.

... Respondents

(By Advocate: Shri A.K.Bhardwaj)

ORDER(Oral)

By Shri Justice V. Rajagopala Reddy

Heard the counsel for the petitioner and the respondents. By order dated 22.5.2000 an order of status quo was passed in the above OA. The CP is filed complaining that in spite of the status quo order, the petitioner has been disengaged.

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2. The reply states that the petitioner was engaged only as a Casual Staff Car Driver on 19.5.2000, 20.5.2000 and 21.5.2000. He was engaged to meet the emergent situation as a result of one of the regular Drivers being on leave. It is stated that he was not in service on 22.5.2000. It was however averred that the petitioner in collusion with some of the existing staff got the Attendance Roll signed on 22.5.2000 and a departmental enquiry was initiated against him. It is stated that the petitioner is not eligible for recruitment under the recruitment rules as a Driver. The interim order was subsequently vacated and the OA also was dismissed. Hence it is stated that there is no violation of the order of the Tribunal.

3. The learned counsel for the respondents however brings to our notice the Attendance Roll for the month of May 2000 where the petitioner's name was shown on 22.5.2000. His signature was also shown from 11.5.2000 till 22.5.2000.

4. The learned counsel for the applicant in support of his contention also filed the Xerox copies of the relevant extracts of the Log Book. But there is nothing to show what period it belongs. The name of the Driver is not found except the number of the vehicle. The petitioner also relies upon the Attendance Roll where his signature is found on 22.5.2000.



5. It is however seen that the petitioner was engaged for 3 days up to 21.5.2000. But the attendance shows that he was present on 22.5.2000. But in view of the fact that the respondents had clearly stated in the reply that the signatures have been procured by collusion with the existing staff and an enquiry was also initiated as seen from the proceedings dated 24.5.2000 and in view of the fact that the respondents have asserted that the petitioner was not engaged on 22.5.2000, it cannot be said that the petitioner had succeeded in showing that the respondents have deliberately disobeyed the orders of the Tribunal. Accepting the explanation given by the respondents, we dismiss the CP. Notice discharged. No costs.

Shanta Shastry
(Smt. Shanta Shastry)
Member(A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice Chairman((J))

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