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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

O.A. No. 314/1989.

February 16, 1989.

Shri Rajbir Singh ... Applicant.

Vs.

Union of India & Ors ... Respondents.

CORAM:

Hon'ble Mr. Justice Amitav Banerji, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ... Shri R.K.Kamal, Advocate.

(Order of the Bench delivered by Hon'ble
Mr. Justice Amitav Banerji, Chairman).

We have heard Shri R.K.Kamal, learned Advocate
for the applicant.

The applicant in this Original Application was
appointed as a Motor Driver in Central Production Centre,
Doordarshan, Asiad Village, New Delhi vide order dated
4.5.1988 (Annexure A-2). It indicated that the term
of his appointment would be as indicated in the Notification
dated 29.4.1988 (Annexure A-3). The letter indicated that
appointment was in purely temporary capacity and for a
period of three months only. Thereafter his services would
be discontinued or would be deemed to have been terminated.
Term No.2 stated that his services can be terminated
at any time and without giving any notice or

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reason. It appears that the applicant was given extension from time to time vide Annexures A-4 and A-5 and finally on 9.12.1988 for a further period of two months ending on 31.1.1989 vide Annexure A-1. This Office Order dated 9.12.1988 indicated that the services of the applicant and one Shri Sher Khan would stand terminated w.e.f. 31.1.1989 (AN) due to completion of installation work of said Project.

The applicant has challenged the above Office Order dated 9.12.1989 claiming that the above order was bad in law as it was based on entirely wrong fact that the installation work in the Central Production Centre had been completed. Further, he has claimed in the above O.A. that he had put in more than 250 days of work in the Central Production Centre and his services would not be terminated in the manner it has been done. Lastly, it was urged that the work had not come to an end as the applicant had learnt that further requisition of names had been sought from the Employment Exchange for appointment of 5 Motor Drivers by the Doordarshan in the said construction work.

Having heard Shri R.K.Kamal at some length, we find no merit in any of these points. Firstly, terms of employment are explicit, and they clearly point out that the appointment was in purely temporary capacity and would terminate on the expiry of the particular date. Even the reappointment letters indicated so. The termination order did not attach any stigma on the applicant. Further, the

termination order was not a separate order but was a part of the reappointment letter and the term of appointment itself indicated that his services were no longer required after 31.1.1989. The grievance of the applicant is that he had not been issued a reappointment letter after that date. It depends on the employer whether to continue the employment or to discontinue, where the work is of a purely temporary nature. We do not see any violation of rules of natural justice in the present case; nor do we find any manifest error of law in the Office Order dated 9.12.1988 (Annexure A-1).

The contention of the ld. counsel that the work in the Central Production Centre had not been completed is of little significance. A construction work may have many phases. Service of temporary employees may not be required as various phases are completed or near completion. The argument that the Office Order dated 9.12.1988 contained a wrong statement is, therefore, of no assistance in the present case.

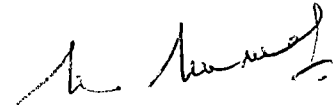
The third point urged by the ld. counsel was that the Doordarshan had asked the Employment Exchange to sponsor the names for appointment of 5 Motor Drivers and that the name of the applicant was not included in it. Consequently, his services were being dispensed with and fresh recruitment was being made. We have not been shown any paper to warrant this argument and in any event, if the name of the applicant was not sponsored, his grievance would be


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against the Employment Exchange and not against the respondents. We are not satisfied prima facie that the Original Application needs to be admitted for hearing under the circumstances.

Before we conclude, ld. counsel stated that the applicant had been made to work beyond duty hours for which he had not been paid. If this is a fact, the respondents would look into this matter and pass appropriate order, as admissible under the Rules, within one month on receipt of a copy of this order.

In view of the above, Original Application is dismissed with the aforementioned directions in the immediate preceding paragraph.


(Kaushal Kumar)
Member
16.2.1989.


(Amitav Banerji)
Chairman
16.2.1989.