

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1519/88
TAXXBox

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DATE OF DECISION 01-8-91.

Shri Jogi Ram Petitioner Applicant

S/Shri B.K.Saini with Advocate for the Petitioner(s)
Rajan Sharma Versus Applicant

Union of India & Another Respondents

Shri M.L. Verma Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. JUSTICE U.C. SRIVASTAVA, VICE CHAIRMAN

The Hon'ble Mr. I.P. GUPTA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT(DELIVERED BY HON'BLE MR. JUSTICE
U.C. SRIVASTAVA, VICE CHAIRMAN)

The applicant states that he was appointed as a Sweeper on daily wage basis in the office of the Secretary, Ministry of Programme Implementation, New Delhi on 20.5.86. According to him, the work of Peon and Farash was also taken from him. His services were terminated on 26.4.88 without assigning any reason. The applicant states that he has got certain rights and termination amounts to denial of equal opportunity and the 25 years' service could not have been terminated and as such termination order is void.

2. The respondents in their reply have pointed out that the applicant never became regular and the application has been filed under section 25-F of Industrial Disputes Act,

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1947, jurisdiction of which is barred. It is stated that applicant was not employed in an Industrial establishment. The applicant is restrained for 25 years and he could ~~same~~ go to the Labour Court. The learned counsel for the applicant states that jurisdiction of the Lower Court is in fact explained in section 25 of the Administrative Tribunals Act, 1985. The applicant was engaged for day-to-day work. Obviously, the applicant was taken on daily wage basis and work ~~of Peon~~ was taken from him. Now, another person has been appointed but in view of the work taken from him, office should not have made any appointment in preference to him. Accordingly, we give a direction to the respondents that if a vacancy exists the appointment should be given to the applicant on priority basis in preference to others.

This application is disposed of accordingly with no order as to costs.

I.P.Gupta
(I.P.GUPTA)
MEMBER (A)
1.8.91.

U.C.Srivastava
(U.C.SRIVASTAVA)
VICE CHAIRMAN
1.8.91.

/PKK/