

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00010/2019

Date of Order: This, the 25th Day of February, 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)

Sri Munindra Kalita, Aged about 40 years
 Son of Sri Nagendra Ch. Kalita
 Resident of Town-Palashbari
 Ward No. 5, P.O. & P.S. – Palashbari
 Guwahati – 781128, District – Kamrup, Assam.



... Applicant

- Versus -

1. The Union of India
 Represented by the Secretary
 To the Govt. of India
 Ministry of Skill Development and
 Entrepreneurship Shram Shakti Bhawan
 Rafi Marg, New Delhi – 110001.
2. Indian Institute of Entrepreneurship
 Guwahati, represented by its Director
 Guwahati, Lalmati, Assam
 Pin – 781029, Kamrup, Metro, Assam.
3. The Accounts Officer
 Indian Institution of Entrepreneurship
 Guwahati, Lalmati, Assam
 Pin – 781029, Kamrup Metro, Assam.

... Respondents.

For the Applicant : Applicant in Person

O.A. No. 040/10/2019

O R D E R (ORAL)

MANJULA DAS, MEMBER (J):-

By this O.A., applicant makes a prayer:

- “(i) To pass an appropriate order directing the respondent authorities to pay the gratuity amount to the applicant under the Payment of Gratuity Act 1972 and all consequential benefits thereof;
- (ii) To pass an appropriate order for extend the service of applicant in the respondent institute; and
- (iii) To pass an appropriate order for paying all costs including the legal expenses incurred.”



2. Heard Sri Munindra Kalita, applicant who appeared in person.
3. It was submitted by the applicant that he joined in the organization of Indian Institution of Entrepreneurship, Guwahati in the year of November 2007 as a Project Assistant. Thereafter, his period of service was extended time to time by the Institute. However, neither his service is regularized nor any gratuity amount paid to him. Even he is not allowed to render his service under the respondents. He further submitted that he has also enclosed his ‘Work Experience Certificate’ as Project Assistant.

4. From the perusal of papers and documents annexed there with the OA as well as offer of appointment letter dated 08.11.2007 as Project Assistant, it reveals that said appointment of the applicant was purely temporary and for a period of six months from the date of his joining at the consolidated salary of Rs. 6,000/- only per month. Thereafter, his service was extended time to time as follows:-



- (i) Vide office order dated 16.12.2013 – for a period of one year w.e.f. 11.12.2013 to 10.12.2014;
- (ii) Vide office order dated 17.12.2014 – for a period of one year w.e.f. 12.12.2014 to 11.12.2015;
- (iii) Vide office order dated 28.12.2015 – for a period of year w.e.f. 16.12.2015 to 15.12.2016.

5. We have gone through the representation dated 13.07.2018, Annexure-A4, page 15 to the OA, made by the applicant to the Director, Indian Institute of Entrepreneurship, Guwahati wherein he stated as follows:-

“Since I have resigned from your organization I am yet to receive payment of my gratuity.

You are hereby again requested to please pay my gratuity as soon as possible. You can either send a cheque/demand draft to my postal address or

directly deposit the said amount into my Bank account."

6. We have once again perused the offer of appointment letter of the applicant dated 08.11.2007 and find that the applicant's service was purely temporary which was extended time to time with gap as mentioned above. The service of the applicant was not regularized by the respondent authorities before submissions of his resignation letter. In view of the above, we do not find any justified reason to go into details apropos entitlement of gratuity as well as extension of service as per law.

7. Keeping in view of the above, we found that the O.A. is devoid of merit and accordingly, hereby dismissed.

8. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

PB

O.A. No. 040/10/2019