

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

C.C.P. NO. 142/91 in
M.P. NO. 2603/91
O.A. NO. 120/89

Decided on : 08.01.1992

Nand Ballabh Pathak ... Petitioner

Vs.

The Secretary, Ministry of
Industry & Anr. ... Respondents

CORAM : HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN

HON'BLE MR. P. C. JAIN, MEMBER (A)

Shri V. P. Gupta, Counsel for the Petitioner

Shri M. L. Verma, Counsel for the Respondents

ORDER (ORAL)

(Hon'ble Mr. Justice V. S. Malimath, Chairman) :

We are not satisfied that there is any violation of the judgment of this Tribunal as the respondents have made a very honest attempt to offer the post of a casual labourer (sweeper) to the petitioner not once but twice. Though the petitioner says that the first offer was received belatedly because of the wrong pin code number given on the cover, it cannot be disputed that a second offer was also made and that was refused in writing by the petitioner. The reason for refusing the offer by the petitioner is obvious. The petitioner claims that he is a Brahmin and he is, therefore, not willing to be appointed as a labourer (sweeper). To that effect he has given a written representation to the authorities. The direction of the Tribunal is only to consider the case of the petitioner for the post of a labourer. There is no direction that the petitioner should not be offered the post of labourer (sweeper) and that he should be given the post of a labourer with other designation such as watchman. As long as ^{the} compliance

of the order is concerned, irrespective of the designation of the post offered to the petitioner, the respondents have properly complied with the directions. We cannot entertain the request of the petitioner that he should not be offered the post of labourer (sweeper). If the petitioner does not avail of the offer made to him, we make it clear that he forfeits his right to be appointed as a labourer in accordance with the directions in the Judgment of the Tribunal. Be that as it may, now that the petitioner has realised his mistake and told us through his counsel that he withdraws his representation that he will not be accepting the post of a labourer (sweeper), we put to the learned counsel for the respondents as to whether they would be willing to offer the next vacancy to him. The learned counsel rightly and fairly submitted that such an offer would be made, but it all depends upon the nature of the vacancy that will become available. Whatever vacancy becomes available and if that is offered to the petitioner, he may have to ^{be} ~~be~~ considered accepting the same. If the offer is made and the same is not accepted by the petitioner for any reason whatsoever, we make it clear that there ^{need} ~~would~~ be no further offer by the respondents offering a job to the petitioner. With this, the C.C.P. stands disposed of. The rule is discharged. No costs.

(P. C. JAIN)
MEMBER (A)

(V. S. MALIMATH)
CHAIRMAN