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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.2163/90

New Delhi, This the 25th Day of October 1994

Hon'ble Shri Justice S.C.Mathur,Chairman

Hon'ble Shri P.T.Thiruvenkadam.Member(A)

Shri Chandan Singh son of Shri Ram Singh
resident of M-510, Sewa Nagar
New Delhi. ...Applicant

By None

Versus

Union of India(Through the Under Secretary)
Department of Education
Ministry of Human Resources & Development
Shastri Bhawan, New Delhi.

...Respondents

By Shri M L Verma, Advocate

O R D E R (Oral)

Hon'ble Shri Justice S.C.Mathur,Chairman

1. The applicant has approached this Tribunal claiming that the oral termination of his services be declared illegal. On this basis he has claimed that the respondents be directed to reinstate him with full wages and continuity of service.

2. According to the applicant he was engaged by the respondents with effect from 20.4.88 and he drew salary at Rs.1035/- p.m. He worked upto 22.1.1990 without any break in service and thereafter his services were dispensed with orally. According to the applicant the action of the respondents is contrary to the provisions of the Industrial Disputes Act.

3. On behalf of the respondents reply has been filed in which the claim of the applicant that he was engaged with effect from 20.4.88 has been traversed. It has been asserted

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that he worked from 24.4.89 to 31.12.89 only and for this period he has been paid. It is further stated that in pursuance of the Judgement of this Tribunal in Rehmat Ullah Khan V Union of India 1989(2)S.L.J.293 (CAT) a scheme has been prepared for grant of temporary status and regularisation, but this scheme had come into force with effect from 10.9.93 and it had not been given retrospective operation. Since the applicant was not in service on 10.9.93 his case is not required to be considered under the said scheme.

4. In the rejoinder affidavit the applicant has merely reiterated the averments made in the original application with regard to the period for which he worked. He has however, not placed on record any material to support his contention that he was engaged with effect from 20.4.88. Accordingly we see no reason to reject the averment in the reply that the applicant worked only for about 8 months.

5. Apart from the assertion that his termination was illegal the applicant has also claimed a direction to the respondents to pay salary for 22 days. In the counter affidavit contradictory averments have been made with regard to the date upto which the applicant worked. In para 1 of the reply it has been stated that he was never engaged after 23.1.90. This averment would give the impression that the applicant worked atleast upto 23.1.90. In para 4(i)

it is stated that the applicant worked from 24-4-1989 to 31-12-1989 and in paras 4(iii) and (iv) the last date of work of the applicant is mentioned as 31-12-89. In view of the contradictory statements we consider it proper to direct the respondents to check up the record and make payment of salary as may be due to him.

6. Although the name of Shri M.C.Vasishth was published in today's cause list as counsel for the applicant, neither the applicant nor his counsel has appeared even though the case was taken on second call. Our attention has not been drawn to any law under which any right is acquired by working for only 8 months. The applicant's approach to this Tribunal is therefore mis-conceived.

7. In view of the above, the applicant's claim in regard to termination of service has no merit and is therefore dismissed. The respondent is directed to check up their record and make payment of salary, if any due, to the applicant for 22 days. There shall be no order as to costs. Interim order if any operating, shall stand discharged.

9.10.25

James

(P.T.THIRUVENGADAM)
Member (A)
25-10-94

(S.C.MATHUR)
Chairman.
25-10-94

LCP