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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.
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Date of Decision:

16.3.93

OA 762/90

MRS. SUNITA JOSHI

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE SHRI J.P. SHARMA, MEMBER (J).

HON'BLE SHRI S.R. ADIGE, MEMBER (A).

For the Applicant ... SHRI J.P. VERGHESE.

For the Respondents ... SHRI J.C. MADAN.

JUDGEMENT

(DELIVERED BY HON'BLE SHRI S.R. ADIGE, MEMBER (A).)

The grievance of the applicant Mrs. Sunita Joshi is regarding her non-continuance in the post of Clerk Grade-II w.e.f. 18.10.89 and the appointment of persons junior to her on the said post. She has accordingly prayed that her services be retained from the date of termination i.e. 18.10.89 and she be regularised against a regular vacancy with all consequential benefits.

Her case is that she was registered with the Employment Exchange Darya Ganj New Delhi and in response to a requisition from the Executive Engineer (Electricity), Civil Constructions Wing, AIR, New Delhi, her name was sponsored. She was interviewed in August, 1985 and was given an offer of appointment vide letter dated 5.9.85 on

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casual basis. She claimed that she has worked on the post on casual basis from 5.9.85 to 9.7.86 i.e. for 308 days and thereafter the respondents appointed her as Clerk Grade-II on adhoc basis w.e.f. 10.7.86. Thereafter, her services were terminated w.e.f. 23.4.87 but she was again appointed at the same post w.e.f. 4.5.87 for 89 days. Thereafter, the respondents continue to terminate her services after every 89 days and again appointed her on the same post for the next 89 days and thus she continued on adhoc basis for the period 10.7.86 to 18.10.89 vide table of service particulars (Annexure-E). However, after the completion of 89 days w.e.f. 22.7.89, she was neither given termination order nor was she retained in service. Her representations did not elicit any reply, but meanwhile, the services of two other persons junior to her were retained indefinitely on adhoc basis.

On behalf of the respondents it has been pointed out that the applicant was continuing on the post of Clerk Grade-II on adhoc basis, when on 14.10.89 she sent her resignation letter (Annexure R-1), praying for being relieved within 7 days as she had got a job in a private organisation, which she had to join within 10 days failing which she risked losing it. Accordingly action was taken to relieve her by 20.10.89 and she was relieved of her duties on 18.10.89. It has also been stated that the services of the two persons, referred to by the applicant, were not extended as alleged, and have been dispensed with.

We have heard Shri J.P. Verghese, learned counsel for the applicant, and Shri J.C. Madan, learned counsel for the respondents, and perused the materials on record.

Shri Verghese would have us believe that the applicant's resignation letter addressed to the Superintending Engineer, AIR, for being relieved within 7 days to enable her to join her new job in a private organisation within 10 days, is a document fabricated by the respondents. It is alleged that the respondents took the signature of the applicant on the pretext of arrears on a blank paper and thereafter typed the resignation letter on it.

It is the responsibility of a party making any averment to substantiate such averment, but Shri Verghese has failed to furnish any evidence, oral or documentary, to substantiate his allegation that the applicant's resignation letter is a fabricated document. Even otherwise, it strains credulity to believe that an educated person, who is holding a responsible job would sign a blank sheet of paper on the pretext of arrears, and the respondents would then type her resignation letter upon it. It is clear that the applicant submitted her resignation letter praying to be relieved within 7 days, as she had got a job in a private organisation, which she had to join within 10 days, and the respondents, therefore, relieved

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her to enable her to join within the stipulated period. The applicant cannot resile at this stage from that position, claiming the resignation letter to be a fabricated document. Shri Verghese has laid stress on the point that in the applicant's letter dated 24.10.89 (Annexure-I) praying for reengagement she made no mention of her resignation, and the respondents also did not reply to that representation by pointing out that she had resigned of her own free will, which went to show that the resignation letter was fabricated. But these are at best only conjectures and cannot take the place of proof.

It is also clear that the services of the two persons alleged to be junior to the applicant have since been terminated, and no cause for action can arise on that ground either.

Under the circumstances, this application being totally without merit, is dismissed. No costs.

Adige
(S.R. ADIGE))

MEMBER (A)

Sharma
(J.P. SHARMA)
16.3.89
MEMBER (J)