

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 737/1991

Date of decision: 04.09.1992

Shri Shiv Shankar

Applicant

vs.

Director, Solar Energy Centre,
Department of Non-conventional
Energy Sources

Respondents

For the Applicant

Shri D.R. Gupta,
Counsel

For the Respondents

Shri P.P. Khurana,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Shri P.K.
Karthha, Vice Chairman(J))

The applicant who has worked as Gardner from 15.9.1989 to 30.05.1990 and thereafter as Garden Supervisor upto 19.3.1991 is aggrieved by the impugned order of termination of his services with effect from 19.3.1991. No show cause notice was issued to him before his services were terminated.

2. We have gone through the records of the case and have heard the learned counsel of both parties. The respondents have not filed counter-affidavit despite adequate time given to them. On going through

the records of the case, it is noticed that the respondents had given a certificate as regards the period of service rendered by the applicant as Gardner/Garden Supervisor from 1.9.1989 to 19.3.1991. The applicant has stated in para 4 of MP 216/1992 that after terminating his services, the respondents have engaged 4 fresh recruits as under:-

Name	Date from which recruited
Mahender	from 1.9.1991
Sukh Pal	from 1.9.1991
Madan Pal	from 1.10.1991
Saraeuddin	from 24.10.1991*.

3. In the light of the facts placed before us, the application is disposed of with the direction to the respondents to consider engaging the applicant as Gardner/Garden Supervisor in case the respondents have engaged fresh recruits for doing the same type of work which the applicant had been performing at the time of termination of his services. In that event, the applicant shall be continued to be engaged as Gardner/Garden Supervisor so long as the respondents need the services of such a person and in preference to persons with lesser length of service and outsiders. The interim order passed on 26.03.1991 is hereby made absolute. There will be no order as to costs.

B.N. Dholiwal
(B.N. DHOUDIYAL)
MEMBER (A)
04.09.1992

P.K. KARTHA
(P.K. KARTHA)
VICE CHAIRMAN(J)
04.09.1992