

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(6)

Regn. No. OA-979/91

Date of decision: 4.3.1992

Shri Bhagat Darshan Singh Applicant

Versus

Union of India through
Secy., Miny. of Finance
and Others Respondents

For the Applicant Shri G.O. Bhandari, Advocate

For the Respondents Shri P.H. Ramchandani,
Sr. Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, 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? *yes*

JUDGMENT

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

The applicant, who has worked for about one year
as a Waterman on daily-wage basis, has challenged in
this application the validity of the impugned order of
termination dated 10.4.1991. He has prayed for directing
the respondents to reinstate him on the post of Waterman
and regularise him with back wages from the date of his
termination. *Q*

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2. We have gone through the records of the case and have considered the matter. The applicant alleges that the impugned order of termination has been passed with ulterior motives as his father, Shri Pan Singh Rawat, who is the General Secretary of the Central Excise & Customs Group 'D' Employees Association, is a trade union worker. The applicant was engaged initially as a Waterman along with 9 others, but he alone has been singled out for disengagement and the remaining 9 persons have been retained in service.

3. The respondents' stand is that the work and conduct of the applicant had been found to be unsatisfactory and that he had been negligent towards his duty in spite of repeated verbal warnings. According to them, his re-engagement would spoil the general discipline and set up a bad precedent.

4. Normally, the Government cannot in law retain a junior and dispense with the services of his senior employee. The same principle will not apply to the instant case where the services of the applicant have been terminated on account of his general ^{or} unsatisfactory work and conduct. The respondents have stated in their counter-affidavit that the applicant had been verbally warned about his deficiencies but he did not show any improvement, and that re-engagement of such a person as Casual Labourer would adversely affect the general

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discipline in their office. We see force in this contention. The fact that some persons junior to the applicant have been retained, cannot be a ground for directing the respondents to re-engage the applicant in the instant case. In the circumstances, we see no merit in the present application and the same is dismissed. There will be no order as to costs.

B. N. DhuNDiyal
(B.N. DhuNDiyal)
Administrative Member

over
~~over~~ 4/3/92
(P.K. Kartha)
Vice-Chairman(Judl.)

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