

**Central Administrative Tribunal
Principal Bench**

OA No. 2830/2004

New Delhi, this the 09th day of November, 2005

Hon'ble Mr. Shanker Raju, Member (J)

Pappu Lal Meena
S/o late Jaidhari
R/o RZ-F-462, Raj Nagar-II,
Palam Colony,
New Delhi – 110 045.

...Applicant

(By Advocate: Shri Gyanender proxy for Sh. Arun Bhardwaj)

-versus-

1. Union of India through
Secretary,
Ministry of Rural Development,
Krishi Bhawan,
New Delhi.
2. Under Secretary (TM-I),
Department of Drinking Water Supply,
Ministry of Rural Development,
8th Floor, Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.

...Respondents

(By Advocate: Shri Syed Rehan proxy for Sh. Nasir Ahmed)

ORDER (ORAL)

Heard the learned counsel for both the parties.

2. Applicant, who has been accorded temporary status w.e.f. 16.5.2000 with one of the conditions that services can be dispensed with on putting one month's notice or salary in lieu thereof. The services of the applicant were dispensed with on 29.04.2001, which led to filing of OA No. 967/2001. The said O.A. was disposed of on 8.6.2001 with a direction to

the respondents to accord a reasonable opportunity to the applicant. Respondents vide their Memorandum dated 10.12.2001, stating the unsatisfactory performance of the applicant, affording an opportunity to the applicant to show cause and on consideration of the reply filed by the applicant thereto, dispensed with the services of the applicant w.e.f. 5.12.2001 by treating the period between 5.11.2001 to 4.12.2001 as notice period. This has been assailed on the ground that on misconduct his services have been terminated without following due process of law.

3. On the other hand, learned counsel for the respondents vehemently opposed the contentions and stated that the applicant, being a casual labour with temporary status, has no right as he is not working against a post and by accord of reasonable opportunity in consonance with the principle of natural justice, his services have rightly been dispensed with which act of the respondents does not suffer from any illegality.

4. In my considered view, having been afforded an opportunity to show cause as per DoP&T OM dated 10.09.1993 and also in view of the terms and conditions as extended to the applicant on grant of temporary status, conferment of temporary status would not bestow upon the applicant the status of an appointee against a post and in that event principles of natural justice, if adhered to, would not come to the rescue of the applicant as he has been given

one month's notice prior to termination of his services in accordance with terms and conditions of the appointment.

5. However, it goes without saying that it is open for the applicant to apply afresh for engagement on casual basis and his consideration would take place in accordance with rules, instructions and his past performance, in preference to juniors/outsideers/freshers.

6. With the above observations, the O.A. stands disposed of with no order as to costs.

S. Raju
(Shanker Raju)
Member (J)

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