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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

D.A. No. 1868 of 1992

New Delhi : December , 1993.

CORAM

Hon'ble Mr. S.R. Adige, Member(A)

Hon'ble Mr. B.S. Hegde, Member(J)

Smt. Ajay Telephone Operator(Daily Wages)
r/o H.No.158/9 Ward No.11, Subhash Nagar,
Near Jacobpura Ramlila Ground, Gurgaon,
(Haryana)Applicant.
By Advocate Shri B.N.Bhargava
Versus

1. Union of India
to be served through and represented by the
Secretary Ministry of Science & Technology
Dept. of Scientific & Industrial Research,
Technology Bhawan, New Mehrauli Road,
New Delhi -110016.

2. Director(Administration)
Department of Science & Technology
Technology Bhawan, New Mehrauli Road,
New Delhi-110016.

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By Advocate Ms. Pratima ^{Nittim}, proxy counsel
for Shri K.C. MittalRespondents.

ORDER

Hon'ble Mr. S.R. Adige, Member(A).

In this application, Smt. Ajay, a Telephone Operator, who was employed on daily wages in the Department of Science & Technology, New Delhi has challenged the verbal order dated 20.2.91 said to have been communicated to her, terminating her services, although she had completed 582 days on daily wages. It is her case that she is a qualified Telephone Operator, who was registered with the Employment Exchange, and was appointed as Telephone Operator on daily wages on 19.7.89 in the respondents' office on the verbal orders of the Section Officer. She states that she worked as Telephone Operator from 19.7.89 till 20.2.91 to the entire satisfaction of the Officers and the Staff. During this period, the respondents requisitioned candidates from the Employment Exchange on two occasions for appointment.

The applicant was also interviewed along with the candidates sponsored by the Employment Exchange

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and she claims that she was found more efficient in comparison to other candidates. In February, 1991, one of the Officers working under the respondents appointed some other female Telephone Operator, but this time the applicant was not informed about the appointment. On 20.2.91, the Section Officer terminated the applicant's services summarily, although there was one more post falling vacant under the control of the respondents. The applicant also alleges that one Sunil Kumar working as Telephone Operator on daily wages was appointed to a regular Group D post, but still continues to work as Telephone Operator under the respondents.

2. The applicant claims that she made a written representation on 6.9.91 for re-employment and regularisation, but no decision has been taken on that representation, compelling her to file this O.A.

3. The respondents have challenged the O.A. and have stated that the applicant was engaged on daily wages basis from July, 1989 to February, 1991 for 494 days only (Annexure-1 to the counter) and the applicant's services were terminated in the public interest, in accordance with the extant Government Rules, because all posts of Telephone Operators in the Ministry/Department are required to be filled up by the regular LDCs belonging to the CSCS Cadre vide DP & T O.M. dated 7.11.85 (Annexure-II). The respondents deny that there is any vacancy in the grade of Telephone Operator. In so far as the vacancies in the LDC Cadre are concerned, the respondents have stated that they have already

intimated to the Department of Personnel and Training for sponsoring the candidates for filling them. Regarding Sunil Kumar, it is stated that he has been regularised against a Group D post as he fulfilled all the conditions for regularisation, and that he has been posted at the Telephone Exchange without any financial benefits which are being given to the LDCs posted there, till suitable candidates are sponsored by the DP & T.

4. We have heard Shri B.N.Bhargava, learned counsel for the applicant and Ms. Pratima Mittal, proxy counsel for Shri K.C.Mittal, learned counsel for the respondents.

5. We had directed Ms. P.Mittal to produce the copy of the appointment letter issued to Shri Sunil Kumar, and she has furnished a copy of the same, and upon its perusal, we are satisfied that Shri Sunil Kumar has indeed been appointed as a 'Chaprasi' that is against a Group D post. The applicant cannot have any legitimate objection if the respondents are taking the work of Telephone Operator from him, while paying him the salary of a Group D Post. It is also ^{in char from} ~~in~~ the contents of DP & T O.M. Dated 7.11.85 that all posts of Telephone Operators ~~were~~ to be filled up by the regular LDCs belonging to the CSCS Cadre.

6. Under the circumstances, the order dispensing with the applicant's services as Telephone Operator on daily wages, calls for no interference and this application is dismissed. No costs.


(B.S. HEGDE)
MEMBER (J)


(S.R. ADIGE)
MEMBER (A)