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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 379/1993

Date of decision:02.04.1993.

Shri Ashok Kumar

...Applicant

Versus

Secretary, Min. of Home Affairs &  
Another

...Respondents

For the Applicant

...Shri S.K. Gupta,  
Counsel

For the Respondents

...Shri M.L. Verma,  
Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN

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

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr. Justice  
S.K. Dhaon, Vice Chairman)

The order dated 7.1.1993 passed by the Under Secretary to the Government of India to the effect that the services of the applicant as an ad hoc Peon in the Justice Saikia Commission of Inquiry stands terminated with effect from the afternoon of 7th January, 1993 is being impugned in the present application.

2. The applicant came out with the allegation that two Class IV employees, namely, S/Shri Surinder Kumar and K.A. Gopi were recruited after him and, therefore, are junior to him. They having been retained in service, he (the applicant) has been thrown out of the employment.
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3. On 4.3.1993, we directed the learned counsel for the respondents to file an affidavit to resolve the controversy as to whether the two employees, namely, S/Shir Surinder Kumar and K.A. Gopi, were appointed earlier to the applicant.

4. A supplementary affidavit has been filed on behalf of the respondents by Shri S. Varadarajan, Secretary, Justice Saikia Commission of Inquiry. In it, the averments are these. The applicant was appointed as ad hoc Class IV employee on 16.7.1991 in the said Commission of Inquiry. Shri Surinder Kumar was appointed as ad hoc Class IV employee with effect from 1.7.1991 and Shri K.A. Gopi was appointed as ad hoc Class IV employee with effect from 15.1.1992. He has also stated that one Shri Fakir Singh was also appointed as ad hoc Class IV employee with effect from 7.4.1992.

5. Thus, it is clear that some persons who have been appointed subsequent to the applicant on ad hoc basis as Class IV employees, are still being retained in service. No reason has been brought to our notice as to why the services of the applicant have not been retained while others junior to him have been retained.

6. Having heard the learned counsel for the parties, we direct that the respondents shall give a suitable employment to the applicant within a period of one week from today. We further direct that the respondents shall continue to retain the applicant in service till juniors to him are retained. The applicant will not be entitled to the back

8/11



- 3 -

wages for the period he was out of employment. However, if and when the question of determining the seniority of the applicant will arise, the period spent by him out of employment shall be taken into account and treated as in service.

7. With these directions, the application is disposed of finally but with no order as to costs.

*B. N. Dhoundiyal*  
(B.N. DHOUNDIYAL)  
MEMBER (A)  
02.04.1993

*S.K. Dhaon*  
(S.K. DHAON)  
VICE CHAIRMAN (J)  
02.04.1993

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