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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

OA No 644 of 1993

NEW DELHI this the 18th of November, 1993.

HON'BLE MR J.P. SHARMA, MEMBER (J)
HON'BLE MR B.K. SINGH, MEMBER (A)

Shri Prem Chand,
S/o Shri Tika Ram,
Last employed as a Peon in the Committee
on Reorganisation of Delhi Set up
Under the Ministry of Home Affairs, New Delhi.

R/o ... C/o Shri Sant Lal Advocate
C-21 (B) New Multan Nagar,
Delhi.

... Applicant.

(By Advocate Sant Lal)

Versus

1. The Union of India through
The Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110001.
2. The Secretary,
Ministry of Personnel,
P.G. & Pensions
Department of Personnel & Training
North Block, New Delhi-110001.

... Respondents

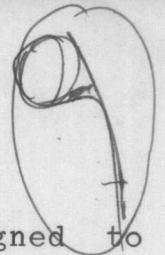
(By Advocate Shri P.P. Khurana)

O R D E R

(Hon'ble Shri J.P. Sharma, Member (J))

The applicant was given an offer of appointment in the Committee on Reorganisation of Delhi Set-up under the control of the Ministry of Home Affairs on 13th March, 1989 in Group D post, in the scale of pay of Rs.750-940, only on temporary and ad hoc basis, liable to be terminated at any time without assigning any reason. Service of the applicant were ceased w.e.f. 31.12.1989 when the aforesaid Committee

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was wound up on completing work assigned to it.

The grievance of the applicant is that in spite of

Le this ^{representation} ~~resentations~~ to the respondents on 17.2.92,

he has not been given any appointment or any other

alternative appoint^{ment} in the same organisation or in

the other department of the Ministry of Home Affairs.

The present application was filed on 15.3.93 and

prayed for the grant of relief, that direction be

issued to the respondents to provide alternative

employment in any Ministry/Department or attached

subordinate Offices of the Government of India with

all consequential benefits. A notice was issued

to the respondents on the point of admission. Shri

P.P. Khurana appeared for the respondents and no

reply has been filed. Shri Khurana is prepared to

argue the matter without filing the reply contending

that the present application is hopelessly belated

and cannot be entertained, in view of the specific

provisions of the limitation laid down under Section

21(1) of the ^{A.T.} Act, 1985.

2. Shri Sant Lal for the applicant argued that

the respondents are ^{not} ~~are~~ filing the reply and the right

to file the reply be forfeited. However, when persisted

learned counsel admits, if ^{any} ~~if~~ prima facie case is made

out as provided under Section 19 Sub clause (3) of

the Administrative Act, 1985, the contention of the

learned counsel for the applicant is that the applicant

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has worked w.e.f. March, 1989 after passing ~~2 various~~ pre-appointment tests and was given appointment in Group D post. He has been declared 'surplus' because the Committee on Re-organisation of Delhi set-up has been wound up and should have been provided an alternative employment in line with the employees declared surplus. We are not able to accept this contention. There are distinct specific rules governing the declaration of surplus staff and i.e. in ^{such} ~~those~~ cases where any such staff has lien on the post in that Office, he can be put on the surplus employees cell. That is not the case here.

3. The applicant was given offer of appointment on the specific understanding to his knowledge, that the appointment is purely ad hoc and temporary and liable to be terminated even without any notice. This is not the case of arbitrary exercise of power in as much as services of the applicant has been dispensed with when Organisation in which the applicant was given an appointment has been wound up. Thus, applicant has no case on the ground having been declared as alleged surplus.

4. Even considering the matter on the principle of natural justice as applicant has worked for some time, we find that there is averment in the application that after having been discharged from 31.12.1989


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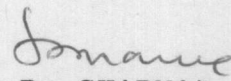
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the applicant has not made any representation to the respondents for any alternative job. He has awoken from a long slumber only in 1992, only after 2 years.

Learned counsel has rightly pointed out that such a claim cannot be entertained in view of the Section 21 of Administrative Tribunal Act, 1985. We, therefore, find the present application has ^{no} prime facie case and is also barred by limitation. The O.A.644/93 is ^{dismissed in limine} ~~disposed of~~ and parties to bear their own costs.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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