

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
A L L A H A B A D

O.A./T.N. No. 13 of 1996

DATE OF DECISION 30.1.96

-- Hridaygar Narayan Chaur -- PETITIONER(S)

-- Sri H.L. Srivastava -- ADVOCATE FOR
THE PETITIONER(S)

VERSUS

-- V.O.F. & others -- RESPONDENTS

----- ADVOCATE FOR THE
RESPONDENT(S)

C O R A M :-

The Hon'ble Mr. T.L. Verma Member (J)

The Hon'ble Mr. D.S. Bhatnagar Member (A)

1. Whether Reporters of local papers may be allowed to see the judgement ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether to be circulated to all other Bench ?

S. Bhatnagar
(SIGNATURE)

VKF/-

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD.

Allahabad this the 30th day of January 1996.

Original Application No. 13 of 1996.

Hon'ble Mr. T.L. Verma, JM
Hon'ble Mr. D.S. Baweja, AM

Hridaya Narayan Gaur, S/o Baij Nath,
R/o Village Dalapur (Gohilab) Post
Gohilab, District Bhadohi.

..... Applicant.

C/A Sri N.L. Srivastava

Versus

1. Union of India, M/o Textile,
through its Secretary, New Delhi.
2. Development Commissioner (H) Office
of the Development Commissioner (H)
West Block No. 7, R.K. Puram,
New Delhi.
3. Director, Centre Region, Office of
the Development Commissioner (Handi-
crafts) B - 46, Mahanagar Extension
Lucknow.
4. Assistant Director (A&C) Office of
the Development Commissioner (Handi-
crafts) Service Centre, 103, Allen-
ganj, Allahabad.

..... Respondents

ORDER

Hon'ble Mr. D.S. Baweja, Member - A

This O.A. has been filed with a prayer to issue a direction to the respondent to allow the applicant to join his duty as Assistant Craftsman/Assistant Instructor.

- Case
2. The applicant has detailed the facts of his ^{Case} as follows. The applicant was appointed as Assistant Craftsman vide appointment letter dated 5.1.1979 (A-1), in the Carpet Weaving Training Centre, All India Handicrafts Board Muratganj, District Allahabad. Subsequently he was posted in other places and in January 1989, the applicant was working at

Contd.....2.....

Carpet Weaving Training Centre Lallaui, District Fatehpur. On 1.1.89, the applicant took casual leave from the office and went to his home District Bhadohi. He has submitted that he became mad and left his home in that condition. In July 1994, while at Haridwar, he came to senses and returned back to his home. He went for reporting on duty to the office on 29.7.94 of the respondent No. 4 i.e. Assistant Director (A & C) office of Development Commissioner (Handicrafts) Service Centre 103, Allenganj, Allahabad. However, the respondent No. 4 did not allow the applicant to join the duty on the plea that he was absent for more than five years. The respondent No. 4 directed him to make ^a the representation to the respondent No. 2 and 3. The applicant made representation to the respondent No. 2 and 3 explaining as to why he was absent from duty from 1.1.89 onwards. Since then he made several representations but did not evoke any reply and the applicant was not allowed to join the duty. This application has been filed with the prayer to issue directions to allow the applicant to join the duty and also payment of the salary from 29.7.94 onwards when he reported for duty in the office of respondent No. 4.

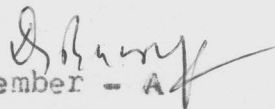
3. During the hearing at the admission stage the learned counsel for the applicant pleaded that the respondents ^{have} neither suspended nor terminated the services of the applicant. According to the relevant service rules, therefore the action on part of the respondents not to allow the applicant to join the duty and also not to make the payment of salary is illegal and arbitrary and against the principles of natural justice.

4. The applicant was appointed as a Assistant Craftsman in the Carpet Weaving Training Centre as per the appointment letter submitted by applicant ^{as} Annexure-12. The appointment letter clearly indicates that the applicant is not to be

(4)

treated as a Government servant. Learned counsel for the applicant however, pleaded that since the payment is made to the applicant out of the government funds, he is to be treated as a government servant and service rules will apply to him. However, no material has been produced by the applicant in support of this contention. The appointment letter is very clear. Since he is not to be treated as a government servant, he does ^{acquire} ~~possess~~ any right, as a government servant and therefore governed by the service rules for termination of his services for unauthorised absence.

5. In view of the above, we find no merit in the application and same deserves to be dismissed at the admission stage itself.


Member - A


Member - J

Arvind.