

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

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Original Application No. 1234 of 2001.

this the 19th day of February 2002.

HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

Sunder Singh Yadav, s/o Shri Hari Shandar Yadav, R/o
Gram Shankarpur, Post Bilouta Thana Kurera, District Hamirpur.

Applicant.

By Advocate : Sri A.K. Dave.

Versus.

1. Union of India through Director, Navodaya Vidyalaya Samiti, New Delhi.
2. Deputy Director, Navodaya Vidyalaya Samiti, Aliganj, Lucknow.
3. Principal, Jawahar Navodaya Vidyalaya, Urai, Jalaun.
4. District Magistrate/Chairman, Vidyalaya Management Committee, Jawahar Vidyalaya , Urai, Jalaun.

Respondents.

By Advocate : Sri U. Nath for Sri V. Swarup.

O R D E R (ORAL)

The applicant has filed this O.A. seeking directions to the respondents to allow him to discharge his duties as daily wager, and to pay outstanding salary for the months January, February & July, 2001 onwards and to consider his case for regularisation in service as per his seniority after quashing the oral termination order w.e.f. 6.8.2001.

2. Briefly stated the case of the applicant is that he was initially engaged as Daily wager w.e.f. 7.9.2000 as Mess Helper-cum-Chaukidar @ 35/- per day. The applicant has passed Intermediate examination and belongs to backward community and, therefore, he is entitled the benefits of reservation quota. The applicant has, however, not been permitted by the

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respondents to perform his duties w.e.f. 6.8.2001. On the other hand, they have engaged six other persons mentioned in the O.A. after his oral termination order. Therefore, the action of the respondents is not justified and is illegal. The applicant has submitted representations against the action of the respondents on 7.8.2001, 28.8.2001 and lastly on 12.10.2001, copies of which have been annexed as Annexure nos. 1 to 3 to this O.A., which are still pending before the respondents for consideration.

3. The learned counsel for the applicant submits that permission be given to the applicant to file a fresh representation before the respondent no.2 who will decide the same within a stipulated period of time. The learned counsel for respondents has no objection against the prayer made by the applicant.

4. Accordingly the O.A. is disposed of at admission stage itself with the permission to the applicant to file a fresh representation before the respondent no.2 namely Deputy Director, Navodaya Vidyalaya Samiti, Lucknow, who will consider and decide the same as per rules and the instructions on the subject within a period of three months from the date of receipt of such representation. There shall be no order as to costs.

R. Girish
MEMBER (J)

GIRISH/-