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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

....

Registration O.A. No. 153 of 1987

Bhim Singh ... Applicant

vs

Joint Director, Logging Development
Institute, Dehra Dun and others ... Respondents

Hon' Mr Justice K. Nath, V.C.

Hon' Mr K. Obayya, A.M.

(By Hon' Mr Justice K. Nath, V.C.)

This application under section 19 of the Administrative Tribunals' Act, 1985, is for a direction to the respondents to give a regular employment to the applicant in group 'D' staff of Logging Development Institute at Dehra Dun, Sukna or Uttar Kashi.

2. The facts are not in dispute. In broken periods from 19-7-79 to 4-11-84 and again from 16-3-85 to 17-4-85, the applicant had worked as Daily casual labour in the Office of Logging Development Institute at Dehra Dun. According to the respondents the applicant voluntarily ceased to work after 17-4-85. There is no rebuttal in the rejoinder.

3. Nevertheless, action was taken by the Department to fill some vacancies in Group 'D' (vide para 11 of the counter) for which various persons including the applicant were called for an interview in August, 1985, by a letter dated 25-9-85. The applicant was called in office on 1-10-85 in the expectation that an appointment may be given to him by considering him for group 'D'.

4. In the mean time some complaints appears to have been made regarding selection of daily casual labourers

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and the concerned authorities including respondents 1 and 2 were asked by a letter dated 30-9-85 (Annexure CA-2) to make a detailed inquiry into the complaint and submit a comprehensive report by 14-10-85. It appears that in the light of that inquiry, orders were passed on 1-10-85 on the applicant's so-called joining report Annexure-A-3 in the following words:

" Your selection is postponed till further orders due to Administrative reasons. "

5. The applicant's grievance is that since then nothing has been heard, and the applicant has been awaiting the issue of appointment order. The case of the respondents is that since after the inquiry into complaints, appointment of casual labourers were not made because there were certain ban orders on appointment of daily casual labourers as stated in para 14 of the counter. It is also pointed out that the petitioner had filed a petition in the Hon'ble High Court on 2-2-1987 which was dismissed on merit. The learned counsel for the applicant stated that filing of petition in the Hon'ble High Court was unfortunate because the High Court has no jurisdiction as the matter rests entirely within the competence of this Tribunal.

6. We have heard the learned counsel for the parties and considered the material on record. Although it does appear that the applicant had worked for several years in broken period between 1979 and 1985, and, after an interview, having been called upon to report for being considered for appointment, no actual appointment has been given because of the complaints. The applicant having not worked on his own since after 17-4-85, no legal right to get an appointment is made out.

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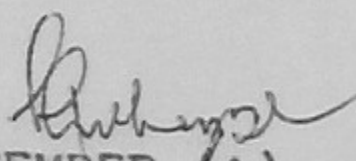
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7. Even so it is admitted that there were vacancies of regular group 'D' posts¹ and, in course of time, some appointments were made after the ban had been lifted, and ^{on} the applicants' selection had only been "postponed" by Annexure A3. We think that the department may take a compassionate view of the misfortune of the applicant that, after all, the applicant had worked for several years and one of the objects which the Constitution of India seeks to achieve is to provide for some sort of a job ^{for} livelihood to the needy. The learned counsel for the applicant has referred to the observation of the Hon'ble Supreme Court in the case of 'Dharwad District P.W.D. Literate Dailywage Employees Association and others vs. State of Karnataka and others (1990)² SCC 396.' in this connection.

8. Having regard to the features of the case, we dispose of this application with an observation that if the applicant makes an application for appointment as a group 'D' employee with the competent authority in the Logging Development Institute or in its allied departments, Dehra Dun, the competent authority may give a compassionate consideration to the prayer without insisting upon the formalities of age and delay in approaching the Tribunal.


MEMBER (A)


VICE CHAIRMAN

(sns)

July 17, 1990.

Allahabad.