

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

Original Application No. 605 of 1992

Versus

Hon'ble Mr. Maharaj Din, Member(Judicial)

Hon'ble Mr. V.K. Seth, Member (Administrative)

(By Hon'ble Mr. Maharaj Din, J.M.)

This is an application under section 19 of the Administrative Tribunals Act, 1985 ~~for~~ seeking relief that the termination/discharge order dated 16.9.1991 which was confirmed through impugned order no. 184 dated 28.10.1991 (Annexure A-1) be quashed.

2. The applicant has stated that he was engaged as Extra Departmental Telegraph Messenger on 11.6.1989. He continued to work till 16.9.1991 with ~~intermittent~~ breaks. It is stated that ~~the~~ services of the applicant have been terminated without following the procedure or holding any enquiry and the order of the termination is arbitrary and illegal in the eyes² of law.

3. The respondents have filed counter-affidavit and resisted the claim of the applicant, inter-alia on the ground that the applicant was engaged as Extra Departmental Telegraph Messenger as substitute and he has no right to claim to work in the department on permanent basis.

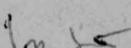
4. We have heard the learned counsel for the parties. The applicant has not filed any appointment letter to establish that he was legally appointed as Extra Departmental Telegraph Messenger. The learned counsel for the respondents

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has stated that since the Extra Departmental Telegraph Messenger was put off duty, as he was involved in criminal case, therefore, the applicant being outsider was engaged as substitute to work as Extra Departmental Telegraph Messenger. The applicant claims to have worked on the said post from 11.5.1989 to 2.5.1990, 11.5.90 to 22.5.1990 and 7.6.1991 to 16.9.1991. Though, no legal right has been accrued to the applicant to continue in service as he was temporarily engaged to work as substitute. Considering the work as the applicant has done in the department, we observe that the respondents may absorb him some where in the department in the first available vacancy for which he is found suitable. The application is disposed of with the above observations. No order as to costs.

W 
Member (A)

21.5.93
Member (J)

Allahabad Dated: 21.5.1993.

(RKA)