

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 24th day of February, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 1244 of 1995

Sushil Kumar Tripathi, aged about 28 years S/O Sri N.P.
Tripathi R/O 127/1133-W-I, Block Saketnagar, Kanpur.
.....

.....Applicant.

Counsel for applicant : Sri S. Agarwal.

Versus

1. The Union of India through the Secretary, Ministry of Labour, Directorate General of Employment and Training, Shram Bhawan, 2/4, Rafi Marg, New Delhi.
2. The Director of Apprenticeship Training, D.G.E.T., Shram Shakti Bhawan, 2/4, Rafi Marg, New Delhi.
3. The Regional Director of Apprenticeship Training, A-71, Campus Udyognagar, Kanpur.

.....Respondents.

Counsel for respondents : Km. S. Srivastava.

O R D E R (ORAL)BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri S.K. Mishra holding brief of Sri S. Agarwal, learned counsel for applicant, Km. S. Srivastava, learned counsel for respondents and perused the pleadings.

2. The applicant herein was engaged from time to time as Part Time Instructor for specified duration on payment of honorarium at a given rate. The first appointment was made vide order dated 2.1.1991 for 30 days w.e.f. 14.1.91. Such appointment order, which has been brought on record, is that the office order whereby the applicant is engaged as Part Time Instructor on honorarium basis to impart Related Instructions in the Trade Apprentices at the Regional Directorate of Apprenticeship Training, Udyog Nagar, Kanpur w.e.f. 14.1.1991. The engagement of the

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applicant came to an end by influx of time by expiry of 40 days' period. However, the interim order was passed by the Tribunal up to June 98. The relief claimed herein is that the respondents be restrained from replacing one Part-time Instructor by another Part-time Instructor and they may be directed to continue to engage the applicant on the post of Instructor(RI) in the trade of Electronic Mechanic so long as the vacancy is available and the respondents are in need of employment of Instructor for the said purpose! Relief for setting aside the order dated 15.12.1995 to the extent it makes the employment as Guest Instructor has also been made by means of an amendment which was allowed by the Tribunal.

3. Learned counsel for applicant has placed reliance on State of Andhra Pradesh Vs. K B L Narsimharao & others 1999 SCC (L&S) 841; and State of Haryana and others Vs. Piyara Singh & others (1992) 21 ATC 403 in support of his contention that the applicant having worked for considerable long time is entitled to be absorbed on the post of Related Instructor. The respondent Km. S. Srivastava has submitted and relied upon the Hon'ble Supreme Court decision in State of Punjab and other Vs. Surendra Kumar and others 1992 SCC (L&S) 345 in support of her contention that Part-time engagement with specified conditions could be terminated without any notice and the applicant having accepted the Part-time appointment specified in the Appointment Order cannot now claim the right to a higher post than the one referred to in the appointment order issued in his favour. Km. S. Srivastava has further relied upon the statement made in the Supplementary Counter affidavit that the Related Instructions Centre Scheme has been dropped by the DGET Headquarter, Ministry of Labour vide letter No. DGET-11(3)/2002-CPU dated 22.5.2002 and no budget provision has been made since the financial year 2002-03 and the scheme has not been reviewed in the year 2003-04.

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4. In view of the above facts, we are of the view that the Related Instructor Scheme has since been dropped, the applicant has no right. The O.A. is liable to be dismissed. Accordingly, the O.A. is dismissed with no order as to costs.

Asthana

A.M.

Regd

V.C.

Asthana/