

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. /414/93
T.A. No.

DATE OF DECISION 27-10-1993

Baldevbhai P. Jadhav Petitioner

Mr. P. H. Pathak Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Mr. Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R. C. Bhatt

: Member (J)

The Hon'ble Mr. M. R. Kolhatkar

: 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 it needs to be circulated to other Benches of the Tribunal ? ✗

Baldevbhai P.Jadav,
Shardavijay Society,
Kumbharpara,
SURENDRANAGAR

: APPLICANT

Advocate : Mr.P.H.Pathak

VERSUS

1. Union of India,
Notice to be served through
Chief Post Master General,
Gujarat Circle,
Khanpur,
AHMEDABAD
2. Superintendent of Post Office,
Surendranagar Division,
SURENDRANAGAR.
3. Post Master,
Surendranagar Post Office,
SURENDRANAGAR.

: RESPONDENTS

Advocate : Mr.Akil Kureshi

ORAL ORDER

O.A.414/93

Date:27-10-1993

Per : Hon'ble Shri M.R.Kolhatkar, Member (A)

Mn
In this original application under section 19 of the Administrative Tribunals Act, the factual position on perusal of pleadings which emerges is that the applicant has been working as *contingency-paid* part time Scavenger since 11-6-1985 at Head Post Office, Surendranagar. and that from March 1992 ^{he} started working as outsider Sweeper, which ~~was~~ ^{is} a Group 'D' non test category post, on a temporary basis but that his services were terminated by the respondents

by the memorandum dated 31st July, 1993 vide Annexure A on the ground that his services were no longer required. The applicant contends that the termination is vindictive because it followed his representation dated 5th February, 1993 for regular appointment vide Annexure A-2. The relief sought by the applicant is that the order of termination should be quashed and set aside as being violative of procedure under section 25 F of I D Act and Articles 14 & 16 of Constitution and the respondents should be directed to reinstate him with all consequential benefits with 18% interest and that the respondents be directed to regularise the services of the applicant as Sweeper as the applicant is a Scheduled Caste employee working since 1984 having completed 360 days of service. (As mentioned above, 1984 should read 1985 as admitted by applicant in Annexure A-2). The respondents have filed a detailed written statement in which they have conceded that the applicant worked as Group D Sweeper cadre outsider at Surendranagar HO from 01.3.1992 to 31.7.1993 except Sundays and holidays and on 06-6-1992 and 26-7-1993 and that this continuous engagement of more than 240 in a calendar year was preceded by his engagement as past-time scavenger from 01-6-1985. According to the respondents, the services of the applicant have been terminated on administrative grounds and the orders are legal and valid. The work of the applicant has also not been satisfactory and he refused to sign order of rotation. ^{and his brother who is well-behaved has been appointed in his place} The question of regularisation does ~~not~~ not arise and all reference to Extra Departmental Agent Scavenger or time-scale post are non-applicable and Annexure A, purporting to be pay slip is a fraudulent document. The other reliefs claimed are therefore, not available to applicant.

2.


The reply by the respondents has been

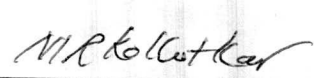
has been filed on merits. We have admitted this application today and we have also heard the learned advocates of the respective parties today. It is not disputed in the circumstances that the applicant is entitled to protection under section 25 F of the ~~B~~ I.D. Act having worked for more than 240 days in the calendar year proceeding the date of termination namely, 31st July, 1993. We feel that this matter can be disposed of by means of a suitable direction. During the course of arguments the learned advocate for the applicant has waived the relief of backwages and consequential benefits in view of the short period ^{involved} ~~included~~. We, therefore, dispose of this matter by passing the following order.

3.

ORDER

Application is partly allowed. The order Annexure A dated 31st July, 1993 is quashed and set aside. The respondent no.2. is directed to reinstate the applicant in his original position of Group D MTC cadre Sweeper . The applicant would not be entitled to backwages and other consequential benefits. The reinstatement should take place within three weeks of the receipt of this order by the respondent no.2. The applicant would be at liberty to make an application for regularisation keeping in view his services from 01-6-1985 as part time scavenger and the respondents would consider the same as per existing orders in force. We expect that the applicant would ^{put up} as ^a good behaviour as his brother and leave no ^{scope} ~~scope~~ for complaint. Application is disposed of. No order as to costs.


(R.C.BHATT)
Member (J)


(M.R.KOLHATKAR)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD Bench

AHMEDABAD

Application No. OA/414/93 of 199

Transfer Application No. _____ Old Writ Pet. NO. _____

C E R T I F I C A T E

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided).

Dated : 10/11/93

Counter-sd :

OA/414/93
Section Officer/Court Officer

msd
Sign. of the dealing Assistant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT NEW DELHI

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NAMES OF THE PARTIES..... B. P. Jagan.....

VERSUS

40.2.800.

PART A B & C

[illegible]