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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH : JODHPUR

Date of order : 28.04.1999

O.A. No. 28/1998

Sunil Kumar Sharma son of Shri Bhrmanand Sharma resident of Indra Colony Jaisalmer, at present employed on the post of Clerk in the Office of the Executive Engineer, Border Fencing Division-IV, C.P.W.D., 155/13, Indra Colony, Jaisalmer.

... Applicant.

versus

1. Union of India through the Secretary to the Government of India, Ministry of Urban Development, Central Public Works Department, New Delhi.
2. The Director General of Works, Central Public Works Department, Nirman Bhawan, New Delhi.
3. The Superintending Engineer, B.F.C.S.I. Central Public Works Department, Jaisalmer.
4. The Chief Engineer, B.F.C. Central Public Works Department, R.K. Puram, New Delhi.
5. The Executive Engineer, Border Fencing Division-IV, Central Public Works Department, 155/13, Indra Colony, Jaisalmer.

... Respondents.

Mr. Gyan Jyoti Gupta, Counsel for the applicant.

Mr. Vinit Mathur, Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Krishna)

Applicant, Sunil Kumar Sharma, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to reinstate him in

Chmbr

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service and consider regularisation on the said post.

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. Applicant's case is that he was engaged as a Casual Clerk through Contractor on 5.12.1996 for working in the office of the Executive Engineer, Border Fencing Division - IV, Central Public Works Department, Jaisalmer. His grievance is that despite his satisfactory performance on the said post ever-since his engagement, his services were dispensed with without giving any notice and without following the principles of natural justice. The action of the respondents is, therefore, assailed as being arbitrary. It is also contended that the applicant was treated as forced labour and his disengagement was against fair play. The respondents, on the other hand, have stated that the applicant was engaged through Contractors on contract basis against work orders. There is nothing on the record to show that the office in which the applicant was required to serve as a casual clerk, is an industry. The applicant has not filed any letter of appointment. The learned counsel for the applicant has relied on JT 1999 (2) SC 435, Secretary, Haryana State Electricity Board vs. Suresh & Ors. etc.etc., in support of his contention, but this authority does not help the applicant as the facts of the case are distinguishable from the facts of the case in hand. The mere fact that the applicant was engaged through Contractor merely as a casual clerk does not confer upon him any right to hold the post.

4. We find no substance in this application and it is dismissed accordingly at the stage of admission.

5. The parties are left to bear their own costs.

Gopal Singh  
(Gopal Singh)

Adm. Member

Gopal Krishna  
(Gopal Krishna)  
Vice Chairman

cvr.

Part II and III destroyed  
in my presence on 4/5/99  
under the supervision of  
Section Officer (1) as per  
order dated 1/6/99

*James*  
Section Officer (Record)

Copy of order sent  
to Pet by Regd Ad

Vide No 150

clt 4/5/99

me  
4/5/99

*Photopy*  
4/5/99