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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

DATE OF ORDER : 16.8.99

O.A.NO. 219 OF 1999

Om Prakash Gurjar S/o Late Shri Shiv Narain Gurjar, by caste Gurjar R/o Meri Bera Station, Tehsil Bali District Pali working as Incharge Farash in the office of the Assistant Commissioner of Income Tax, Pali.

...APPLICANT

VERSUS

1. Union of India through the Secretary, Ministry of Finance, Government of India, New Delhi.
2. The Chief Commissioner, Income Tax, Government of India, Rajasthan, Central Revenue Building, Bhagwan Das Road, Jaipur.
3. The Dy. Commissioner (Admn), Income Tax Department, Central Revenue Building, Bhagwan Das Road, Jaipur.
4. The Assistant Commissioner of Income Tax, Incharge, Pali.

...RESPONDENTS

...RESPONDENTS

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CORAM :

HON'BLE MR. A.K.MISRA, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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Mr. Sunil Joshi, Counsel for the applicant.

ORDER

(PER MR. A.K. MISRA)

The applicant has filed this O.A. with the prayer that the respondents be directed to regularise the services of the applicant on the post of Class-IV. It is alleged by the applicant that he


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is working as Daily Wager in the office of Respondent No. 4 since 26th December, 1997. The applicant was called for interview by the respondents vide letter dated 8th February, 1999. In pursuance of the call letter, the applicant appeared in the interview but till date, result of the interview has not been communicated. By verbal order, the services of the applicant have been dispensed with, therefore, the respondents be directed to regularise the applicant.

2. We have considered the case. In our view a candidate has only a right to be considered. The applicant, who was a daily wager was interviewed for regular appointment. Had he been successful, he would have been communicated accordingly. Absence of such intimation gives rise to the presumption that the applicant has not been successful in the interview and that is why his services were terminated or in other words he was asked not to come on duty.

3. In our opinion, when the regular selection has taken place, the Department cannot be directed to regularise the services of a daily wager. In view of this, the O.A. has no merit and is hereby dismissed in limine.


Gopal Singh
(GOPAL SINGH)
Adm. Member

A.K. Misra
16/8/99
(A.K. MISRA)
Judl. Member

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MEHTA