

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

OA No.233/2013

Jodhpur, this the 25th day of April, 2014

CORAM

Hon'ble Mr.Justice Kailash Chandra Joshi, Member (Judicial)
Hon'ble Ms Meenakshi Hooja, Member (Administrative)

Ganesh Meena s/o Shriram Meena, aged 20 years b/c Meena, r/o Village Kodia, Post Eroli, Tehsil Rajgarh, Dist. Alwar (Raj.) (Presently posted at Peon, Garrison Engineer (Army) (P), Jaisalmer (Raj.)

.....Applicant
(None present for applicant)

Versus

1. Union of India through the Secretary, Ministry of Defence, South Block, New Delhi.
2. The Chief Engineer, Military Engineer Services, Headquarter, South Command, Pune (Mah.)
3. The Chief Engineer (AF), Military Engineering Services, Lekawada, Patia, CRPF Campus, Gandhinagar-382042 (Guj.)
4. The Garrison Engineer (Army) (P), Jaisalmer, Pin 901105 c/o 56 APO.

.....Respondents

By Advocate :Mr. Aditya Singhi on behalf of Ms. K.Parveen

O R D E R (ORAL)

Per Justice K.C.Joshi, M(J)

The present OA has been filed by the applicant against the notice for termination of service dated 16.4.2013 (Ann.A/1) and he has prayed for quashing and setting aside the same with consequential benefits.

2. Brief facts of the case, as stated by the applicant, are that the applicant after clearing the selection process for the post of Peon was issued appointment letter dated 2.1.2013 and in pursuance to the appointment letter he joined respondent No.4 within the stipulated time along with requisite documents. The applicant has stated that after completion of all the requisite formalities, respondent No.2 also issued Part-II letter dated 21.1.2013 (Ann.A/5). Thereafter the respondent authorities issued a notice for termination of services of the applicant dated 16.4.2013 (Ann.A/1) by which the appointing authority without assigning any reason of termination communicated that effect of termination will take place after expiry of one month's period from the date of receipt of the letter. The applicant tried to contact the higher authorities and he came to know that one more candidate belongs to reserved category was selected against the post of general category, then he could not be accommodated in that post and for accommodating him the impugned letter of termination has been issued. The applicant further stated that he came to know the reason that for accommodating the candidate who stood first in the merit, the applicant is being terminated, but the respondents authorities failed to consider that out of two posts of Peon one post again became vacant on account of resignation of Shri Yogesh Kumar Meena on 1.5.2013 and the applicant can be accommodated, but the respondents failed to consider the matter in the right perspective. Therefore, aggrieved of the inaction on the part of the respondents, the applicant has filed the present OA.

3. By way of filing reply to the OA, the respondents have denied the right of the applicant and have submitted that the applicant was appointed on the post of Peon on temporary basis as per terms and conditions given in para 2(a) to (u) of the appointment letter issued by the Chief Engineer (AF) Lekawada Patia, Chiloda PO-CRPF Campus, Gandhi Nagar vide letter dated 2.1.2013 and he was served a termination letter dated 16.4.2013 in the terms and conditions given in para 2(n). He was re-appointed in the office of Commander Works Engineer (Project) Banar, Jodhpur by the Chief Engineer (AF), Lekawada Patia, Chiloda PO CRPF Campus Gandhi Nagar vide appointment letter dated 30.5.2013 and accordingly, the applicant joined Commander Works Engineer (P) Banar Jodhpur on 22.6.2013. Therefore, the applicant is not entitled to any relief.

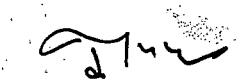
4. Heard. Counsel for the applicant is not present. Counsel for the respondents contended that as per reply filed by the respondents, the applicant has been re-appointed vide letter dated 30.05.2013 and he has joined the office of the CWE (P) Banar Jodhpur on 22.06.2013 and there is no denial of this fact that the applicant has been given fresh appointment order vide order dated 30.05.2013 which he received on 10.6.2013 i.e. 3 days after the Interim relief was given on 07.06.2013. At that time, counsel for the applicant submitted that the applicant would like to join at his new place of posting but reserve the right to continue to contest the earlier termination order of 16.04.2013 for the purpose of seniority.

5. Looking to the entire facts and circumstances of the case, particularly the fact that the applicant has been re-appointed by the

respondent-department, we propose to dispose of this OA with certain directions.

The applicant shall make a detailed representation to the respondent-department regarding his seniority within a month from the date of receipt of this order and the respondent-department shall dispose of the said representation within 6 months from the date of the receipt of the representation. The OA stands disposed of in above terms with no order as to costs.


(MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER


(JUSTICE K.C. JOSHI)
JUDICIAL MEMBER

R/SS