

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 247/2006

This the 9th day of November, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)

Hon'ble Dr. A.K. Mishra, Member (A)

Om Prakash Yadav aged about 34 years son of Sri Sant Ram Yadav R/o Village and Post Bishunpur Chowki, Barabanki, U.P.

Applicant

By Advocate: Sri Z. Ahmad

Versus

1. Director, Central Soil Salinity Research Institute, Jirafa Farm Kuchhuwa Road, Karnal Haryana, PIN- 132001.
2. Office-in-Charge/Prabhari Adhikari, Central Soil Salinity Research Institute, Regional Research Station, Lucknow 21/467, I.C.C.M. R.T. Building, IInd Floor, Ring Road, Indira Nagar, Lucknow.
3. Incharge, Vehicle CSSRIRRS, Lucknow.
4. Assistant Administrative Officer, Central Soil Salinity Research Institute, Regional Research Station, Lucknow.
5. Senior Scientist, Central Soil Salinity Research Institute, Regional Research Station, 21/467, I.C.C.M.R.T., Building, IInd Floor, Ring Road, Indira Nagar, Lucknow.

Respondents


By Advocate: None

ORDER (ORAL)

Hon'ble Ms. Sadhna Srivastava, Member (J)

The applicant seeks direction to the respondents to consider his candidature for permanent employment on the post of Driver as he has completed 240 days of service and further there is a prayer to permit him to do work of Driver.

2. The facts are that the applicant was initially engaged on contract w.e.f. 4.6.2005 on the post of Jeep Driver for a period of 2 months i.e. June and July, 2005 on a fixed allowances of Rs.3000/- Per month. The terms of contract were reduced in writing. The contract provides that he cannot put any claim for regular appointment. It is also laid down that in case the applicant's work and conduct is not satisfactory, his engagement can be terminated. The service of the applicant was extended



since August 2005 to October, 2005 i.e. for 3 months further. Thereafter, he was again engaged w.e.f. 6.12.2005 to 13.2.2006. It was further extended for the period February, 2006 to May, 2006. Thereafter, the respondents did not extend the contract and his services came to an end.

3. The only question for our adjudication is whether the non-engagement /termination is illegal or irregular. It is clear that the applicant was governed by contract and not by any statutory rules, therefore, the question is to be decided with reference to the terms of contract available on record as Annexure No. 2. The bare perusal of the Annexure No.2 shows that the applicant was engaged on contract basis for 2 months which was extended from time to time. Therefore, we need not enter into other facts as pleaded by the counsel for the parties. Whatever, be the situation, the respondents were competent under the terms of contract to put an end to the services of the applicant. We do not find any merit in the case. Therefore, the same is accordingly dismissed without any order as to costs.


(Dr. A.K. Mishra)
Member (A)


(Ms. Sadhna Srivastava)
Member (J)

HLS/-