

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 74/2000

Date of Decision : 10.6.2003

S.R.Sathe ..... Applicant

Shri S.S.Wagh ..... Advocate for the  
Applicant.

VERSUS

Union of India & Ors. .... Respondents

Shri V.S.Masurkar ..... Advocate for the  
Respondents

CORAM :

The Hon'ble Shri V.K.Majotra, Member (A)

The Hon'ble Shri Shanker Raju, Member (J)

- (i) To be referred to the reporter or not ? *No*
- (ii) Whether it needs to be circulated to other *No*  
Benches of the Tribunal ?
- (iii) Library *JS*

*V.K. Majotra*  
(V.K.MAJOTRA)  
MEMBER (A)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.74/2000

Tuesday this the 10th day of June, 2003.

CORAM : Hon'ble Shri V.K.Majotra, Member (A)

Hon'ble Shri Shanker Raju, Member (J)

Sushil Kumar Rajaram Sathe,  
R/at 190, Budhwar Peth,  
Sathe's Chawl,  
Solapur.

...Applicant

By Advocate Shri S.S.Wagh

vs.

1. Union of India  
through the Collector,  
Sindhu Durga, Oros.
2. Deputy Director,  
Navodaya Vidyalaya Samiti,  
78-Mayur Colony, Kothrud,  
Pune.
3. Director, Navodaya Vidyalaya  
Samiti, A-39 Kailash Colony,  
New Delhi.
4. Principal, Jawahar Navodaya  
Vidyalaya, Shankar Nagar,  
Dist. Nanded.
5. Principal, Jawahar Navodaya  
Vidyalaya, Sangli-Sawarwad,  
Taluka-Sawantwadi,  
Dist. Sindhu Durga.
6. Ms.Darshana Virnodkar,  
Lower Division Clerk,  
Jawahar Navodaya Vidyalaya,  
Sangli-Sawarwad,  
Taluka-Sawantwadi,  
Dist. Sindhu Durga.

...Respondents

By Advocate Shri V.S.Masurkar

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O R D E R (ORAL)

{Per : Shri V.K.Majotra, Member (A)}

Applicant is aggrieved by the alleged oral order of termination of his services w.e.f. 31.12.1999. According to the applicant, he has been serving with respondents as the Part-Time Lower Division Clerk (LDC). He was appointed as LDC on a part-time basis with Respondent No.4 w.e.f. 25.11.1994. According to him, he continued to serve with the respondents till 31.12.1999 when his services were terminated by oral orders and he had not been paid any salary from 1.1.1999 to 31.12.1999. The applicant has sought regularisation of his services as a Full Time LDC and also payment of salary from January-December, 1999.

2. The learned counsel of the applicant fairly admitted that applicant can neither produce his appointment letter nor any proof of being on the Muster-Roll of the respondents. However, he pleaded that he would seek to establish the applicant's case on the basis of the documents filed by the respondents themselves. He drew our attention to Ex.R-3 which are copies of Receipts regarding payment of Rs.1,000/- only in different months by way of "Typing Charges" for six months from the Vidyalaya. He has further referred to Annexure-A, dated 6.2.1999 written by the Principal of Jawahar Navodaya Vidyalaya Samiti to the Deputy Director seeking permission for age relaxation and permission to the applicant to attend the interview. Learned counsel stated that the Principal has stated that the applicant had worked in

his Vidyalaya from 5.9.1996 to 1.7.1999 as Part-Time Lab.Attendant and also that he has also experience as Part-Time LDC in Jawahar Navodaya Vidyalaya, Shankar Nagar, Nanded. The contention of the learned counsel has to be rejected here itself as in this letter whereas "Accordingly Mr.Sushil Kumar Sathe has worked in my Vidyalaya from 5.9.1996 to till date as Part-time Lab.Attn." the words "till date" have been scored out and the date "01.7.1999" has been written in hand instead. Thus, this sentence reads as follows :- "Accordingly, Mr.Sushil Kumar Sathe has worked in my Vidyalaya from 5.9.1996 to 01.7.1999". When the date of this letter is 6.2.1999, how could it be written that the applicant had worked in the Vidyalaya from 5.9.1996 to 1.7.1999. Obviously, the applicant himself seems to have made this alteration and therefore this deliberate mischief can get him no benefit.

3. The learned counsel of the respondents contended that applicant had not been appointed at all as LDC by any competent authority. Whereas the competent authority for an appointment of LDC is Deputy Director of a region (Pune Region) in the present case, applicant had been engaged on job work for two hours per day on a payment of Rs.1,000/- p.m. by the Principal only. The recruitment to the post of LDC ('C' Gr.) can be made only by Deputy Director of Region on sponsorship from the Employment Exchange. Further more, no appointment in the LDC Grade could be made as there has been ban on recruitment for LDC. According to him, even if the Principal of the Vidyalaya has forwarded applicant's case for consideration, it does not accord any right

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to the applicant, however, the case was considered at the competent level and rejected. The learned counsel further stated that the applicant has produced Receipts Annexure-R-3 for having worked upto December, 1998 only. As such, he is not entitled to any remuneration charges for the period beyond December, 1998.

4. The Government of India's instructions dated 7.6.1988 effecting Ban on appointment of non-teaching staff on part-time or daily wage basis, respondents' letter dated 30.5.1996 prohibit the Principals of Vidyalayas from appointing any person on part-time or daily wage basis against the vacant non-teaching posts. Vide letter dated 3.1.1997 Navodaya Vidyalaya Samiti has laid down composition of Selection Committee for appointment of Group 'C' and 'D' Vidyalaya Staff. These posts excepting posts of O.S., UDC, Staff Nurse and Catering Assistant have to be recruited by the concerned Principals by getting the names sponsored from the local Employment Exchange and the selection process has to be completed at Vidyalaya level with the assistance of sub-appointment of the committee having the composition of the Principal, Distt. Education Officer or his nominee, One local Educationist and Principal of Neighbouring Navodaya Vidyalaya. It is not the applicant's claim that he had been appointed by a Committee in terms of letter dated 3.1.1997. He had also been appointed on a part-time basis despite the ban on appointment of part-time staff. Having been appointed de-hors

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the rules, applicant has acquired no rights for regularisation of his service. No proof has also been provided by him that he worked in the concerned school beyond 31.12.1998. Thus, he is also not entitled to any remuneration for the period from 1.1.1999 to 31.12.1999.

5. In the totality of the facts and circumstances of the case as discussed above, this OA. must fail and is dismissed accordingly. No costs.

*S. Raju*

(SHANKER RAJU)

MEMBER (J)

*V.K. Majotra*

(V.K. MAJOTRA)

MEMBER (A)

mrj.