

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 1099 of 1997.

Dated this Thursday, the 20th day of December, 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Hon'ble Shri S. L. Jain, Member (J).

Vrajesh K. Shah,
E-1, Block No. 2,
Baseria Complex,
Amli Main Road,
P.O. Silvassa,
Pin Code - 396 230.

...

Applicant.

(By Advocate Shri I. J. Naik)

VERSUS

1. The Administrator,
Union Territories of Dadra &
Nagar Haveli and Daman & Diu,
Administrator's Secretariat,
Fort Area, P.O. Moti Daman.
2. The Collector,
Dadra & Nagar Haveli,
P.O. Silvassa,
Pin Code : 396 230.
3. The Development Commissioner,
Union Territories of Dadra &
Nagar Haveli, and Daman & Diu
Secretariat, Fort Area,
P.O. Moti Daman.
4. Union of India through
The Secretary,
Ministry of Home Affairs,
Central Secretariat,
North Block, New Delhi.
5. The Principal,
Industrial Training Institute,
Amli - Silvassa,
Pin Code : 396 230.

... Respondents.

(By Advocate Shri V. S. Masurkar)



... 2

O R D E R (ORAL)**PER : Shri B. N. Bahadur, Member (A).**

Learned Counsel on both sides have been heard in this matter where the facts are in a very short compass. The applicant is aggrieved by the order impugned, namely - order dated 29.11.1996 (Annexure A-1) through which he is relieved from service as Daily Wage Compositor in the Government Printing Press. It is seen that the Applicant was appointed through order dated 01.01.1994 (copy at Annexure A-2) and it was clearly stated in the appointment order that he is appointed on fixed wages and that it is not a regular service and that he is likely to be relieved any time without notice.

2. Respondents have filed a Written Statement where the stand taken is that the sanctioned strength of the post of Compositor is only two, and the said two posts are already occupied by regularly selected persons. However, they add that if additional workload exists, only then extra hands are taken on temporary/need basis and the Applicant will be given first chance in such a case.

3. Arguments on behalf of respective sides, as advanced by Learned Counsel, were heard. Shri I. J. Naik, Learned Counsel for Applicant also drew our attention to the fact that Applicant was working earlier albeit on daily wages, for 8 years. This statement has been denied by the other side. Feeble attempts were made by Shri Naik alleging that there were enough work and

... 3



that even private parties were given out work for printing Government forms.

4. On the basis of arguments on both sides, and the prayers made in the case, we find that firstly it is clear that it is undisputed that Applicant was appointed purely on daily wages basis and that stipulation of all facts were clearly made in the appointment order itself. Secondly, it is also clear that posts existing being two in number, have been filled on regular basis and that the only reason and indeed the reason stipulated in the impugned order for relieving the Applicant was lack of work. There is no illegality let alone malice, in the manner in which the Applicant's services have been dispensed with. The point made on behalf of Applicant that there is enough work, is not supported by any evidence and in any case, this is not a aspect that will lead to providing relief by judicial determination. It is for the Administration to decide whether adequate work exists or not and the manner in which they will meet their printing requirements. It is therefore clear that neither on law nor on the basis of facts does the Applicant have any case for being provided the relief that he seeks. We have noted the point made by the Respondents that Applicant will be considered if and when there is any work, purely on temporary basis.

5. Subject to noting the above factual point, we hereby dismiss the O.A. with no order as to costs. Interim Order made in the O.A. is hereby vacated.


(S. L. JAIN)
MEMBER (J)


(B. N. BAHADUR)
MEMBER (A).