

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

T.A. No. 1987/86

Date of Decision: 14.10.92

ABDUL MAJEED : Applicant.

None present on behalf of the applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. B.B. Mahajan, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN

Applicant filed a civil suit in the Court of learned Munsif & Judicial Magistrate, Gangapur City on 14.1.82 and prayed that the notice for termination of services dated 19.12.81 be stayed and he should be allowed to continue in service.

2. Brief facts are that the applicant was working for about 9 years as casual labour and had got the temporary status. He has also submitted that there were 40 vacancies in Gangapur and 800 vacancies in the Kota Division. However, he was declared surplus and the notice for termination of services was served on him on the ground that the services were not required.


3. On behalf of the respondents this fact has not been denied that the applicant was holding the temporary status. It was submitted that only the selected persons were to be appointed and the screening was to be made from the concerned departments.


4. Learned Munsif framed the issues and also considered the application for the grant of temporary injunction. The temporary injunction application was accepted by the learned Munsif vide his order dated 6.12.82 and respondents were restrained to implement the order dated

19.12.81. Union of India filed an appeal against the temporary injunction before the learned Additional District & Session Judge, Gangapur City. He had also dismissed the appeal vide his order dated 5.1.84. Thus the applicant is serving the State for the last 19 years. Notice dated 19.12.81 was issued for the termination of services of the applicant on the ground that he has been declared surplus when the applicant has already attained the temporary status and this fact has not been denied that there were about 40 vacancies in Gangapur City and 800 vacancies in the Kota Division. In such circumstances, the termination of an employment of a person who has attained the temporary status and has been serving 9 years is bad particularly when similar vacancies are available in the Division as well as at the Headquarters, Gangapur City where the applicant was working. Respondents have come with a case that under the rules only those casual labourers were screened who were working in that unit. A person who has acquired temporary status stands on better footing than the person who is a casual labour simpliciter. Thus, we are also the view that the respondents have committed an error in issuing the notice dated 19.12.81.

5. In the result, the T.A. is accepted. Notice No. E/E/523 dated 19.12.81 is hereby set aside and respondents are directed not to terminate the services of the applicant in terms of the notice so issued. It is expected from the respondents that if the applicant was not so far regularised, the case of the applicant should be considered sympathetically according to the rules for regularisation as the applicant has already served the Department for about 19 years.

No orders as to costs.


(B.B. MAHAJAN)
Administrative Member


(D.L. MEHTA)
Vice-Chairman