

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 23.6.94.

OA 875/89

BABU LAL ... APPLICANT.

VS.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).
HON'BLE MR. C.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI J.K. RAUSHIK.

For the Respondents ... NONE.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant Babu Lal has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that his termination by oral order on 15.3.90 be declared illegal and the respondents be directed to reinstate him with retrospective effect allowing all consequential benefits.

2. The applicant states that he was appointed as Pump Driver on 10.5.89 by the Senior Electrical Charge man, Gangapur City, at Bore Well No.6, the charge of which was handed over by Shri Hira Lal, Fitter, to Shri Kailash, a colleague of the applicant, on 10.5.89. The applicant was not given his due wages and he had, therefore, made a representation vide Annexure A-1 dated 17.9.89 but instead of releasing due payments, the respondent No.2 vide his letter dated 18.9.89 (Annexure A-2) asked the applicant to hand over the key of the Pump House to S.E.F. Gangapur City. The applicant thereafter claimed payment of wages vide an application dated 22.9.89 (Annexure A-5) and it was forwarded by the LEO (C) Sawaimadhopur to the DPO Kota. It is further stated by the applicant that a meeting was held in the chamber of respondent No.3 with the AEE (P) Kota and the office bearers of the trade union on 18.10.89. The applicant also states that he had rendered continuous service for more than 100 days and

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has attained temporary status.

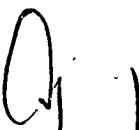
3. The respondents contest this application with the averment that the applicant was never appointed in their service. The post of Pump Driver is a Class-III post and no-one can be appointed to this post without facing selection either by way of direct recruitment or by way of promotion. It is also pleaded that the application is misconceived. The name of the applicant was never entered in the muster roll and the meeting among the officers of the respondents and the Joint Secretary of the Union does not prove anything conclusively. It is also averred that in the Railways work is also done through contractors and the applicant might have been in the employment of some contractor and he might have been entrusted the keys of the wall either by mistake or by way of a temporary arrangement for the time being and such an arrangement does not confer any right upon him.

4. We have heard the learned counsel for the applicant and have perused the records of the case very carefully. None is present on behalf of the respondents.

5. The contention of the applicant that he was appointed as a Pump Driver on 10.5.89 by the Senior Electrical Chargeman, Gangapur City, is not borne out by any document relied upon by the applicant. The mere fact that he was asked to hand over the keys of the pump house to the SEF Gangapur City does not establish that he was appointed as a Pump Driver. The applicant's name was not enrolled in the muster roll of the Senior Electrical Foreman, Gangapur City, vide Annexure A-3. The LEO (C), Sawai-madhopur, had merely forwarded a copy of the complaint to the DPO, Western Railway, Kota vide his communication at Annexure A-6. The minutes of the meeting held on 18.10.89 vide Annexure A-7 do not prove any engagement of the applicant as a Pump Driver. The post of Pump Driver is filled up on the basis of selection, ^{Chawlk} which is conducted by a competent selection board comprising of

officers of the concerned Divisional Railway. Any appointment letter or order could not be filed by the applicant. It is not established by the record that the applicant was formally appointed as a Pump Driver and he worked in that post for more than 120 days. The applicant has not been able to make out any case in his favour.

6. In the result, this application fails and it is dismissed with no order as to costs.


(O.P. SHARMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)