

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.1097/92

Dt. of order: 12.4.94

Narendra Sharma

: Applicant

Vs.

Union of India & Ors. : Respondents

None : for the applicant

Mr. Praveen Balwada : Counsel for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Member(Judl.)

Hon'ble Mr. O.P. Sharma, Member(Adm.).

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

Applicant Narendra Sharma has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, claiming wages from 1.12.89 alongwith interest and reinstatement on duty in the post of a Lower Division Clerk in the office of the Deputy Chief Controller of Imports & Exports, Jaipur w.e.f. 16.1.1990.

2. The applicant's contention is that he was appointed as a Lower Division Clerk w.e.f. 16.1.89 after his name was sponsored from the Office of the Regional Employment Exchange, vide a communication dated 1.1.89. However, he was orally ordered not to come on duty w.e.f. 16.1.90 as his services had been terminated w.e.f. the aforesaid date. This order is assailed on the ground that it was passed without giving one month's notice or pay to the applicant. It is further challenged on the ground of malafides.

3. None is present on behalf of the applicant. The applicant or his counsel did not appear on the preceding dates of hearing also.

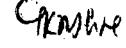
4. We have heard the learned counsel for the respondents and have gone through the records.

5. The noteworthy features of the case are that the applicant has not produced the letter of appointment nor did he implead any person as a respondent against whom malafides are alleged. The applicant did not make any representation

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also as envisaged by section 20(1) of the Administrative Tribunals Act, 1985, before approaching the Tribunal. The applicant has merely relied on an office order at Annex A-1, whereby he was to serve as a Lower Division Clerk in the Personnel Section of the Office of the Deputy Chief Controller of Imports & Exports. On the contrary, the learned counsel for the respondents contends that the applicant had voluntarily left coming to the office of the Respondent No.2 without any prior notice or intimation and since the applicant was employed on day to day basis, it is not obligatory on the part of the respondents to retain him in service. In these circumstances, the applicant has failed to make out a case in his favour. The result is that this application is dismissed as being devoid of any merit. There shall be no order as to costs.


(J.P. Sharma)
Member (A) -


(Gopal Krishna)
Member (J).