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CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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OA NO. 573/90

Date of order : 15.10.92

RADHEY SHYAM

... APPLICANT.

Mr.R.A.Katta

... Counsel for the applicant

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

Mr.U.D.Sharma

... Counsel for the Respondents.

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DORAM : HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN  
HON'BLE MR.B.B.MAHAJAN, ADMINISTRATIVE MEMBER.

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PER HON'BLE MR.B.B.MAHAJAN, ADMINISTRATIVE MEMBER :

Radhey Shyam has filed this application U/S  
19 of the Administrative Tribunals Act, 1985 against  
verbal termination of his services as part-time Waterman  
on selection of the regular candidates vide order dated  
30.1.90 (Annexure A-4).

2. We have heard the learned counsel for the  
parties.

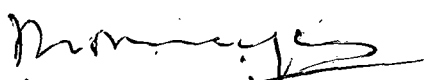
3. The services of the applicant have been terminated  
on selection of a regular incumbent after making selection  
from out of those whose names had been sponsored by the  
Employment Exchange vide impugned order dated 30.1.90  
(Annexure A-4). The applicant was appointed as part-time  
Waterman vide order dated 23.5.88 (Annexure A-3), with  
the clear stipulation that his appointment is purely  
temporary and shall be ousted the moment the nominee of  
Employment Exchange is appointed without assigning any  
reason thereof. The case is covered by Section 2 (oo)(bb)

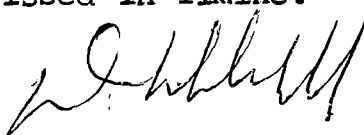
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(B.B.)

of I.D. Act, 1947 and it does not, therefore, amount to retrenchment. The fact the applicant was registered with the Employment Exchange before he was given the temporary employment is not relevant. His name could not have been considered in accordance with Government instructions unless it was sponsored by the Employment Exchange. No illegality in this case has been committed which may justify the interference by this Tribunal.

The O.A. is accordingly dismissed in limine.

  
(B.B. MAHAJAN)  
Admn. Member

  
(D.L. MEHTA)  
Vice Chairman

Shashi/