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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No. 489/92 : Date of order 11.4.94
Nawal Kishore Saini : Applicant
V/s
Union of India & Ors : Respondents
Mrs Gayatri Rathore : Counsel for the applicant
Mr. M. Rafiq : Counsel for the respondents

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

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

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

Applicant Nawal Kishore Saini in this application u/s 19 of the Administrative Tribunals Act, 1985, has assailed the oral order of termination by which his services were terminated w.e.f. 12.4.92 and has claimed reinstatement in the post of peon as also for a direction to the respondents to release his salary for the months of February and March, 1993.

2. We have heard the learned counsel for the parties and have gone through the records.

3. The applicant's case is that on 1.10.91 he was appointed as a peon in the office of the Deputy Central Intelligence Officer at Sikar after his name was sponsored by the Employment Exchange for such appointment at a monthly salary of Rs. 500/-. It is stated by the applicant that the appointment order dated 17.10.91 was delivered to him. However his services were terminated on 12.4.93 by an oral order which has been challenged on the ground that the same should not have been issued without any prior notice and without affording an opportunity of hearing to him. It is claimed that the applicant was appointed as a peon in accordance with the prescribed procedure therefor.

4. The application has been resisted by the respondents who have pleaded that the applicant was merely engaged as a part-

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time casual worker on contract basis on a monthly payment of Rs.500/- and he was thereafter disengaged when there was no work for him.

4. The letter of appointment has not been produced by the applicant. But the service particulars from the Deputy Intelligence Officer at Sikar indicate that he was engaged as a part-time chowkidar w.e.f. 1.10.91 on a consolidated salary of Rs. 500/- per month. We, therefore, hold that the applicant's appointment to the said post was not made on a regular basis and by merely serving from 1.10.91 to 12.4.98, he has not acquired any right to hold the post. Since the appointment was made on contract basis, there was no irregularity committed in disengaging him from service.

5. We find no merits in this application and the same is dismissed with no order as to costs.

(O.P. SHARMA)

Member (A)

(Gopal Krishna)
Member (J)