

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.346/93

Dt. of order: 13.9.93

Pabu Singh

: Applicant

Vs.

Union of India & Ors. : Respondents.

Mr.S.K.Jain

: Counsel for applicant

Mr.U.D.Sharma

: Counsel for respondents

CORAM

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

Hon'ble Mr.B.B.Mahajan, Member (Adm.)

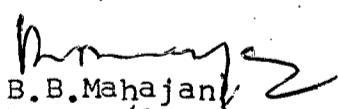
PER HON'BLE MR.B.B.MAHAJAN, MEMBER (ADM.)

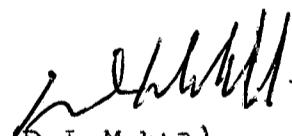
Pabu Singh, has filed this application under Sec.19 of the A.Ts Act, against order dated 8.6.'93 by which he was disengaged as contingent worker. The father of the applicant had expired on 21.8.88 while in service. The mother of the applicant submitted an application soon after the death for appointment of the applicant on compassionate ground (Annex.A-2). In the application, it was mentioned that the elder brother of the applicant, Shri Bhagwan Singh, was doing some private labour work and was only able to maintain his family with the wages he earned. The applicant was given compassionate appointment on contingent basis. However, by the notice dated 8.6.92, the applicant was directed to show cause why his services should not be terminated because he had concealed the fact that his elder brother was having the annual income of Rs.5000/-. The notice itself states that in the amended part 1 of the application form it had been mentioned that his elder brother was having annual income of Rs.5000/-. The allegation was that this fact had not been mentioned in the proforma Annex.R-2. The applicant replied vide Annex.A-4, that

he had submitted the information regarding the annual income of his elder brother alongwith the proforma and therefore, had not concealed the fact. On receipt of the reply the impugned order was issued on 8.6.93 (Annex.A-1) cancelling his engagement as contingent worker and disengaged him w.e.f. 8.6.93.

3. We have heard the learned counsel for the parties. It is clear from the documents placed on record that the applicant had not concealed the fact that his elder brother was earning about Rs.5000/- per annum. No doubt he had written in the proforma Annex.R-2 that Shri Bhagwan Singh was not employed but that only meant that he was not a regular employee. This is not inconsistent with the fact that he was earning about Rs.5000/- per annum as casual labour with various private parties. No concealment of fact, has therefore been established on the part of the applicant which might have justified his disengagement.

3. We accordingly allow this application and set aside the order dated 8.6.93 (Annex.A-1) and direct that the applicant shall be continued in employment. Parties to bear their own costs.


(B.B. Mahajan)
Member(Adm.)


(D.L. Mehta)
Vice Chairman.