

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.194/97

Date of order: 6. 4. 2000

Girdhari Lal, S/o  
Gopal Lal, R/o Farwali Dhanis, Near Railway Station,  
Kanakpura, P.O Meena-wala, Jaipur.

...Applicant.

Vs.

1. Union of India through the Secretary to the Govt. of India Deptt. of Posts, Mini. of Communications, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent, Post Offices, Jaipur City Division, Jaipur.
4. Head Record Officer, Jaipur-I, RMS, JP Dn, Jaipur.

...Respondents.

Mr.P.N.Jati - Counsel for the applicant

Mr.M.Rafiq ) - Counsel for respondents.

Mr.Hemant Gupta)

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash the impugned order of termination of the services of the applicant dated 3.10.96 (Annex.A3) and direct the respondents to take back the applicant on duty on the post of Group-D and also be paid all consequential benefits with interest.

2. Facts of the case in brief as stated by the applicant are that he was appointed as Watermen w.e.f. 10.2.94 at Railway Station, Jaipur, since then the applicant was working continuously till he is terminated on 3.10.96. It is stated that he filed O.A No.535/96 before this Tribunal which was disposed of vide order dated 23.10.96 with the direction to the respondents to dispose of the representation. The applicant filed representation on 28.11.96 mentioning his grievances but the applicant was not taken back in service. It is also stated that the applicant worked for 8 hours every day for the period between 10.2.94 to 3.10.96, therefore, according to the scheme dated 12.4.91, the applicant is entitled to the confirmation of temporary status and thereafter regularisation on Group-D post. The applicant, therefore, filed this O.A for the relief as mentioned above.

3. Reply was filed. In the reply, it is stated that the applicant was engaged on part-time contingent basis for supplying drinking water to the staff in SMO, Jaipur, only for 5 hours a day. No appointment letter was issued to the applicant. It is also

stated that the applicant was allowed to work from January 1994 to August 1994. It is also stated that the representation filed by the applicant in pursuance to the direction given by the Tribunal in O.A No.535/96 was considered by the competent authority and disposed of the same. It is further stated that the case of Bhag Chand as referred by the applicant is not applicable in the instant case and the applicant is not entitled to the relief sought for.

4. Rejoinder has also been filed reiterating the facts as stated in the O.A.

5. Additional affidavit has also filed to bring certain facts on record by the respondents to which additional reply has also been filed by the applicant, which is on record.

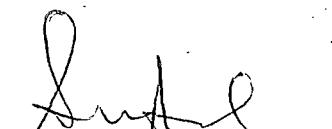
6. Heard the learned counsel for the applicant and also perused the whole record.

7. The learned counsel for the applicant has only pressed the relief during the course of argument is that necessary direction may be given to the respondents to engage the applicant whenever the work is available by giving weightage to his experience which he has already ~~been~~ earned and he did not press other reliefs as mentioned in the O.A.

8. I have given anxious consideration to the contention of the learned counsel for the applicant.

9. Since the learned counsel for the applicant is pressing for a limited relief only, this O.A is allowed in part and the respondents are directed to engage the applicant as Waterman, whenever the work is available by giving weightage to his past experience and thereafter if he is found eligible for confirmation of temporary status according to the scheme dated 12.4.91, temporary status may be conferred to the applicant.

10. With the above directions, this O.A is disposed of accordingly with no order as to costs.

  
(S.K. Agarwal)

Member (J).