

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH, JAIPUR.

O.A No.413/97

Date of order: 15.3.2001

Mukandi Lal Meena, S/o Sh.Bachchu Lal Meena, R/o Sawai Gatore, Distt.Jaipur, working as Class IV employee in the O/o Commissioner of Income Tax, Jaipur.

...Applicant.

Vs.

1. Union of India through the Secretary, Mini. of Finance, Deptt. of Income Tax, New Delhi.
2. Chief Commissioner of Income Tax Rajasthan, Jaipur.
3. Income Tax Officer (Public Relation), Jaipur.

...Respondents.

Mr.Mukesh Kumar - Counsel for the applicant.

Mr.Gaurav Jain- Proxy of Mr.N.F.Jain, Counsel for respondents.

CORAM:

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

Hon'ble Mr.N.F.Nawani, Administrative Member.

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

In this Original Application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the order of termination of services of the applicant w.e.f. 1.11.96 and to direct the respondents to reinstate the applicant with all consequential benefits.

2. Facts of the case as stated by the applicant are that the applicant was engaged as Group-D employee w.e.f. 1.5.93 in the Income Tax Department and was paid Rs.32/- per day. It is stated that vacancies for Class IV employees in the Income Tax department was advertised vide advertisement dated 29.11.98 but the applicant was not called for interview. It is further stated that the applicant filed O.A No.618/96 before this Tribunal which was decided on 3.12.96 with the direction to the respondents to decide/dispose of the representation. The

applicant filed the representation but the same was not decided/disposed of and the advertisement was issued for filling up of 8 vacancies of Class IV employees. It is stated that the termination of the services of the applicant is illegal, void and having the effect of breach of the provisions of Sec.25(f) of the Industrial Disputes Act and the applicant is entitled to have his services regularised with all back wages. Therefore, the applicant has filed the O.A for the relief as above.

2. Reply was filed. In the reply it is stated that the applicant was engaged as contingent casual labourer and he was never appointed as Group-D employee in the respondents' department. It is also stated that vacancies were advertised to fill up 8 posts of Chokidar and names were sponsored by the Employment Exchange and the persons who had directly applied were also considered. But the applicant has neither applied directly nor his name was sponsored by the Employment Exchange therefore, the name of the applicant was not considered for appointment against Group-D post. It is stated that the provisions of Sec.25(f) of the Industrial Disputes Act are not applicable in this case as the applicant was a contingent casual worker. Therefore, the applicant has no case for interference by this Tribunal and the O.A devoid of any merit is liable to be dismissed.

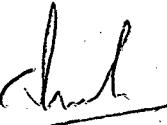
4. Heard the learned counsel for the parties for final disposal at the stage of admission and perused the whole record.

5. Undisputedly, the applicant was engaged as contingent casual worker who did not come to work after 1.11.96. It is also clear that in O.A No.618/96 this Tribunal gave directions to the applicant to file representation before respondent No.2 within 2 weeks who will decide the same within one month. The

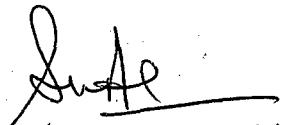
applicant filed representation but not deciding/disposing of the representation filed by the applicant or not deciding/disposing of the representation in favour of the applicant does not give rise a right to the applicant for appointment on Group-D post in response to the advertisement dated 29.11.98. It is not the case of the applicant that he submitted his application in pursuance of the advertisement dated 29.11.98 and the same was not considered by the respondents. The applicant had worked only as a contingent casual worker who did not work after 1.11.96. No temporary status was conferred to the applicant and he was not entitled for regularisation as per the facts and circumstances of this case. Therefore, the applicant who was not considered in pursuance of the advertisement dated 29.11.98 for filling up the Group-D post does not entitle him to the relief sought for.

6. Therefore, in our considered opinion, the applicant has no case for interference by this Tribunal and the O.A devoid of any merit is liable to be dismissed.

7. We, therefore, dismiss the O.A having no merit with no order as to costs.


(N.P.Nawani)

Member (A).


(S.K.Agarwal)

Member (J).