

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

T.A.No.9/2000

Date of order: 4/3/2002

Ramesh Chandra, S/o Sh.Ram Dhan, R/o Atru, Distt.
Baran, Rajasthan.

...Applicant.

Vs.

1. The Principal, Navodaya Vidyalaya, Atru, Dist.Baran.
2. Deputy Director, Navodaya Vidyalaya Samiti, Jaipur.
3. Director, Navodaya Vidyalaya Samiti, New Delhi.
4. District Collector, Distt.Baran.
5. Chief Secretary, Govt. of India, New Delhi.

...Respondents.

Mr.Hemant Gupta : Counsel for applicant
Mr.V.S.Gurjar : Counsel for respondents.

CORAM:

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

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

Applicant in this case has filed a civil suit before the Civil Judge (JD) & Judicial Magistrate, Atru, for declaration and permanent injunction on 20.9.95 which has been transferred to this Tribunal and registered as T.A No.9/2000.

2. In brief, facts of the case as stated by the applicant are that Principal, Navodaya Vidyalaya, Atru, appointed the applicant on 22.7.91 as Mess-helper on a consolidated payment of Rs.400/- per month. This payment was increased to Rs.900/- per month w.e.f. 20.2.95. The applicant worked upto 20.3.95 thereafter the Principal terminated the services of the applicant with a view to adjust his nearer and dearer. It is also stated that junior to the applicant S/Sh.Ram Charan and Manohar Sharma were

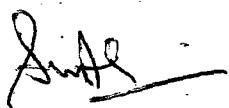
made permanent. The applicant served notice under Sec.18 of the CPC to the respondents but no response, hence the Civil Suit was filed.

3. Written statement was filed by the respondents' department. It is stated that the applicant was engaged as daily wager and no order of appointment was given to him. It is stated that the applicant himself left the work in view of the availability of better wages elsewhere. It is also stated that S/Sh.Ram Charan and Manohar Sharma were made permanent after they undergone the regular process of selection. Hence, the applicant has no case.

4. Additional reply has also been filed by the respondents after this case was transferred to this Tribunal. It is stated that no order of appointment was issued in favour of the applicant and he never undergone any process of selection for this post. It is also stated that the applicant left the job suo mottu without any information to the Principal, Navodaya Vidyalaya, Atru and the applicant cannot claim any declaration unless he has undergone the regular process of selection, according to rules. Thus, the applicant has no case.

5. Heard the learned counsel for the parties and also perused the whole record.

6. On a perusal of the averments of the parties, it appears that the applicant was engaged on daily wage basis initially on Rs.400/- (fixed) per month and later on this amount was increased to Rs.900/- per month w.e.f. 20.2.95. It also appears that the applicant left the work at his own accord on 21.3.95. It is also clear that the civil suit filed by the applicant before the Court of Civil Judge (JD)



& Judicial Magistrate, Atru, was transferred to this Tribunal and registered as T.A.No.9/2000. It also appears that regular process of selection was conducted for appointment on the post of Mess-helper and S/Sh.Ram Charan and Manohar Sharma participated in the process of selection and they were selected and made permanent but the applicant did not avail that opportunity. The applicant was neither given any appointment order nor his services were terminated by any order but he suo mottu left the work for the reasons best known to him. This contention of the respondents have not been controverted by the applicant by filing any rejoinder. Therefore, in my considered opinion, the applicant has no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed.

7. I, therefore, dismiss this O.A having no merits with no order as to costs.


(S.K. Agarwal)

Memer (J).