

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 850 of 2004**

**Jabalpur, this the 24<sup>th</sup> day of August, 2005**

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

Rooplal Chamar, Son of Shri Baishakhua Chamar,  
Aged about 26 years, by occupation Mess Helper,  
Jawahar Navodaya Vidyalaya, Ramkhiria,  
Distt. Panna.

.... Applicant

(By Advocate – None)

**V e r s u s**

1. Union of India, through the Ministry of Human Resource Development (Education Department), Govt. of India, through the Secretary, Ministry of Human Resource Development (Education Deptt.), Govt. of India, New Delhi.
2. Jawahar Navodaya Vidyalaya Ramkhiria, Distt. Panna, MP. .... Respondents

(By Advocate – Shri O.P. Namdeo)

**O R D E R (Oral)**

**By M.P. Singh, Vice Chairman –**

By filing this Original Application the applicant has sought the following main relief :

“the services of the petitioner may not be dispensed with by the respondent No. 2 without following the procedure as per law.”

2. The brief admitted facts of the case are that the applicant is working as a Daily Wager on fixed salary of Rs. 800/- per month as Mess Helper to help the mess staff in preparation of food and distribution of the same to the students under the respondent No. 2 i.e. Jawahar Navodaya Vidyalaya, Ramkhiria, District Panna (MP). By filing this Original



Application, the applicant is apprehending that his services are likely to be terminated by respondent No. 2.

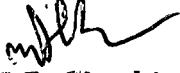
3. None is present for the applicant. Since it is a case of 2004 we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. The respondents in their reply have stated that the applicant was appointed on daily wages on a fixed salary of Rs. 800/- per month as mess helper to help the mess staff in preparation of the foods and distribution of the same to the students. Since, there is no regular post for him, and the regular sanctioned posts have already been filled before joining of the applicant, he has been appointed as a stop gap arrangement to ~~keep up~~ <sup>work</sup> with the additional ~~hands~~ <sup>work</sup> required in the mess. This does not give him any right for regularisation as there is no scheme for regularisation of non-teaching staff on part time/daily wages. As and when posts for regular appointment are sanctioned, the name of the applicant will be duly considered giving due weightage for the experience he has. The respondents further submitted that the applicant has filed this petition on apprehension that his services as part time mess helper are likely to be terminated and he could not get the chance for regular appointment as and when the post is filled in by the regular incumbent. The petitions on the basis of apprehensions are not maintainable.

5. We have given careful consideration to the rival contentions made on behalf of the parties and we find that there is no adverse order passed by the respondents against the applicant. He is only appointed as a daily wager on fixed salary of Rs. 800/- per month as Mess Helper and this is not a regular appointment. We further find that no regular post is also sanctioned for Mess Helper under the respondent No. 2. Since no adverse order is passed against the applicant, at this stage no relief can be granted to the applicant.

6. However, we dispose of this Original Application with the observation that so long as there is work and requirement of helper in the mess run for the students of the Vidyalaya, the services of the applicant be continued and incase if a regular post is sanctioned he may be considered for regular appointment, if he is found eligible for the post in accordance with rules and law. No costs.

  
**(Madan Mohan)**  
 Judicial Member

  
**(M.P. Singh)**  
 Vice Chairman

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पृष्ठांकन सं. ओ/न्या..... जवलपुर, दि.....  
 पत्रिलिपि अचेपितः—

- (1) रामेश, उमा, उमाश्री तथा दुष्मितिश्वामी, जवलपुर
- (2) आर्मेनियन एवं विद्यालय, तो काउंसल
- (3) प्रसारी एवं विद्यालय, के काउंसल
- (4) ग्रन्थालय, रामेश, जवलपुर, उपराजपत्र

सूचना एवं आवश्यक धनर्थवाली हेतु

  
 उप रजिस्ट्रार

6.9.05

  
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