

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 850 of 2004

Jabalpur, this the 24th 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 Ramkhiriya,
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, Ramkhiriya, 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 ^{cope up} ~~cope~~ with the additional ^{work} ~~hands~~ 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 wage 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.


(M.P. Singh)
Vice Chairman

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प्रमाणकन सं ओ/न्या.....जवलपुर, दि.....

पतिलिपि अढे पितः—

- (1) राबिन्द्र, उमा प्रसाद, आचार्य कृष्णचन्द्र, जयलपुर
- (2) आचार्य श्री श्री श्री, दु.....के काउंसल
- (3) प्रद्योत श्री, श्री श्री श्री, दु.....के काउंसल
- (4) गणेशदास, रामदास, जयलपुर, जयलपुरीत
सचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

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