

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 557 of 2001

Jabalpur, this the 4th day of July 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Manoj Shrivastava,
son of Shri B.P. Shrivastava,
Aged about 26 years,
R/o Mahavir Ward, Janpad Road
Khurai, Distt. Sagar (MP)

APPLICANT

(By Advocate - Shri S.K. Garg)

VERSUS

1. Union of India,
through Ministry of Human
Resources Development
(Department of Education)
Shashtri Bhawan New Delhi
2. Deputy Director,
Regional office,
Navoday Vidyalay Samiti,
160 Zone-II, M.P. Nagar
Bhopal (M.P.)
3. Principal,
Jawahar Navoday Vidyalay
Khurai, Distt. Sagar (MP)

RESPONDENTS

(By Advocate - None)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -


By this Original Application the applicant has claimed direction to the respondents to allow the applicant to continue to work as L.D.C. and has also claimed retrospective benefits of salary etc. The further relief is that the applicant be permitted to participate in the selection process for vacant posts of L.D.C.

2. The brief facts of the case is that the applicant was initially engaged as an L.D.C. on part time basis in Jawahar Navoday Vidyalay, Khurai, Distt. Sagar for 89 days with effect from 04/01/1999. The

appointment was till 02/04/1999 or untill further order, which ever is earlier at a consolidated monthly remuneration. It was also provided that the applicant would not be entitled to claim regular appointment in the Vidyalaya and the services can be terminated without assigning any reason and without any prior notice. The claim of the applicant is that by various orders he was continued to work as part time L.D.C. Such order filed in the case is Annexure A/7 dated 31/01/2001, which shows that the applicant was engaged on 04/01/1999 till 31/01/2001. There is no further order to show that the applicant has worked after 31/01/2001. As per the OA however the applicant claims that he worked upto July, 2001, but there is no document in support thereof. The claim of the applicant is that as he has worked for so long, his services be not terminated and alternative claim is that he may be considered for appointment on 2 vacant posts of L.D.C.

3. In the reply of the respondents it is admitted that the applicant was engaged as L.D.C. for a particular period as part-timer. The period upto which the applicant worked is neither denied nor objectioned. The respondents plea, however, is that after the regular appointee came to join the post, the services of the applicant was not required. It is further mentioned that the post of L.D.C. and Store Keeper are common cadre in the Navodaya Vidhyalaya Samiti and the appointment on these posts are made subject to criteria fixed by the Samiti.

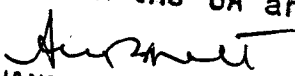
4. From the facts brought on record it is clear

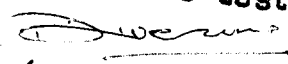


that the applicant was appointed only as a part time L.D.C. for a particular period. Though applicant continued to work from 1999 onwards, the same was by different orders. A part-timer has no claim to any post. Any post of L.D.C. can be filled up only as per the rules provided for the said post and if the person fulfills all the eligibility criteria for the post. The question of regularisation to such a post by a part-timer does not arise. No such rule has been shown to us that a part-timer can be regularised on the post of L.D.C. Besides that a part-timer has no claim against a regular appointment. Once the regular appointee has come to join, the part-timer has to make place for the regular appointee.

5. The claim of the learned counsel for the applicant that the applicant be considered for two other vacant posts, is to be considered by the Samiti only if the applicant apply for the said post after the vacancies are notified. Without application the claim of the applicant cannot be considered. It will be thus open to the applicant to apply to the appropriate authority whenever such vacancies are notified and it will be open for the appropriate body to consider the claim of the applicant for appointment in case the applicant fulfills the eligibility criteria.

6. With the above observations we do not find any merit in the OA and the same is dismissed. No costs.


(ANAND KUMAR BHATT)
ADMINISTRATIVE MEMBER


(D.C. VERMA)
VICE CHAIRMAN (J)

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
परिलिपि अर्बोहित:-

- (1) सचिव, जय नारायण दल, जबलपुर
(2) जय नारायण दल, जबलपुर के कार्डसल
(3) प्रमुख, जय नारायण दल, जबलपुर के कार्डसल
(4) जय नारायण दल, जबलपुर के कार्डसल
सूचना एवं आवश्यक कार्रवाई हेतु

R. L. Gupta, Ac
O. P. Ramdeo

Tareel
m
10/7/92

10-7-92