

**Central Administrative Tribunal
Principal Bench**

OA No.2675/2016

New Delhi, this the 17th day of April, 2018

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

Raju Sharma (Aged about 31 years),
S/o Shri Pundeo Sharma,
R/o C-179, Albert Square Market,
New Delhi-110001.

... Applicant

(By Advocate: Shri T.N. Tripathi)

Versus

1. Union of India,
Through Secretary,
Ministry of Social Justice & Empowerment,
Department of Social Justice & Empowerment,
Shastri Bhawan, New Delhi.
2. The Under Secretary,
Ministry of Social Justice & Empowerment,
Department of Social Justice & Empowerment,
Shastri Bhavan, New Delhi.

... Respondents

(None)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard the learned counsel for applicant.

2. The applicant, a contractual Staff Car Driver filed the instant OA seeking the following reliefs :-

- “(a) Set aside the relieving order passed by the Respondent No.2 dt. 06.6.2014 and also set aside the order issued by the respondent on 8.7.2014.
- (b) Summon the record concerning the alleged resignation by the applicant on the basis of which the relieving order was passed by the respondents.
- (c) Direct the respondent to take back the applicant on duty with continuity of service to the post of Staff Car Driver (Vacant Post) with all consequential benefits.
- (d) Direct the respondent to pay compensation to the applicant for harassment, mental agony etc. suffered by the applicant due to illegal acts and deeds of the respondents;
- (d) Pass such other order/direction(s) as your Lordships' may deem fit and proper in the facts and circumstances of the case, in favour of the applicant.”

3. It is submitted that the applicant is aggrieved by the action of the respondents in accepting his resignation and relieving him from service. Learned counsel for applicant submits that the applicant was not a contractual Staff Car Driver and his appointment was on permanent basis and his resignation was accepted immediately on the very next day and the same is illegal.

4. The learned counsel for applicant failed to show any appointment order indicating that the applicant was appointed on regular basis. On the other hand, the appointment order vide

Annexure-A/6, clearly indicates that the applicant was engaged as Staff Car Driver on contract basis for a period of three months w.e.f. 01.08.2013, initially, and the same was extended from to time. Once the appointment of the applicant was not on regular basis, he cannot claim any right against any permanent vacancy. However, it is not is dispute that the applicant sought for relieving of his duties vide letter dated 19.11.2016 (Annexure-A/2), and the same was duly accepted by the respondents.

5. In the circumstances, we do not find any merit in the OA and the same is, accordingly, dismissed. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member(J)

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