

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**Order reserved on: 19.3.2019**

**ORIGINAL APPLICATION NO. 060/471/2018**

**Chandigarh, this the 23<sup>rd</sup> day of April, 2019**

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &  
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Resham Singh s/o Shri Mohinder Singh aged about 49 years, r/o ward no. 12, VPO Khem Karan Tehsil Patti District Taran Taran, Punjab, served as Frash in Customs Preventive Station Bhikhiwind Amritsar Punjab prior to his illegal service termination.

....APPLICANT

( By Advocate: Shri Avneesh Bhardwaj)

VERSUS

1. Union of India through Secretary to the Govt. of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Commissioner Central Excise and Service Tax Commissionerate, Central Revenue Building, Sector 17-C, Chandigarh.
3. Joint Commissioner (P&V) Customs, Central Revenue Building, The Mall, Amritsar Punjab.
4. Superintendent Customs Preventive Station Bhikhiwind Amritsar Punjab.

....RESPONDENTS

(By Advocate: Shri Sanjay Goyal)

**ORDER**

**P. Gopinath, Member (A)**

The applicant has been working with the respondent department as a Frash on casual basis since 15.1.1996. On 26.10.2017, he was issued a letter instructing him to perform the duties of Sweeper which included cleaning of the office and the

toilets. On the failure of the applicant to comply with the orders the 4<sup>th</sup> respondent made a complaint against him. In order to comply with the orders, applicant engaged a lady sweeper to clean the toilets and paid for her from his own source. Services of the applicant have been terminated, which is being challenged in this Original Application (O.A.). The prayer of the applicant is for quashing the termination order and reinstating him in service with all consequential benefits.

2. The respondents have filed their written statement, wherein it has been submitted that the applicant was engaged as a casual labourer farash through Contractor in the respondent office on 15.1.1996. The applicant was directed by the 4<sup>th</sup> respondent to attend duty of cleaning and sweeping of the office. The applicant refused as the said assigned duties did not come within the purview of duties of a farash. An attempt was made by the respondents to deliver a letter to the applicant detailing his duties, but he refused to accept the letter (Annexure R-2), which according to respondent amounted to insubordination. The refusal of the applicant, to do the work of sweeping led to lack of cleanliness in the office, which made it difficult for the staff to work in the office thereby disturbing the smooth working of the office.

3. The respondent draws attention to DOPT O.M. No. AB-14017/6/2009-Estt (RR) dated 20.4.2010, which was issued post re-designation of the various Group 'D' posts as Multi Tasking Staff (MTS) by the 6<sup>th</sup> Central Pay Commission. The indicative list

of duties of MTS includes the duties performed by erstwhile Group D staff of Peon, Daftary, Jamadar, Junior Gestetner Operator, Farash, Chowkidar, Safaiwala, Mali etc. The duties detailed for the newly designated MTS besides Safaiwala and Farash also included general cleanliness and upkeep of the Section/Unit, cleaning of rooms, dusting of furniture, cleaning of building, fixture etc. amongst other duties.

4. We have heard the learned counsel for the parties and have carefully gone through the record.

5. We find that even DOPT O.M. aforementioned has left out the indicative duty of cleaning of toilets as a part of the MTS scheduled of work. There is no doubt that the said O.M. also states that the list of duties indicated is only illustrative and not exhaustive. However, it is important to note that besides cleaning of rooms which is indicated at serial no. (j) of the said O.M., cleaning of toilets is a very important part of running an office and the same has been, may be not inadvertently, but deliberately left out as the said job is not undertaken by all categories of persons. This is also indicated by the fact that the applicant in this O.A., who was a farash, also engaged one Smt. Lakhvir Kaur to perform the duties of cleaning of the office building.

6. Considering the fact that the cleaning the premises is a task which is undertaken by particular community, it is not everybody's cup of tea. But, it is not a task denigrating anybody's status and the applicant's obstinacy for performing this task shows that he has little respect for work. Even Mahatama Gandhi did not express

any shame in performing similar tasks. We would not like to further elucidate on this point.

7. The change of nomenclature by the 6<sup>th</sup> CPC to a common nomenclature of MTS has been accepted in all offices of the Govt. of India and the applicant cannot be made an exception to this designation or indicative list of duties which includes cleaning of rooms. As long as the applicant accepted the pay scale of the 6<sup>th</sup> CPC he is also required to accept the re-designation as MTS and the indicative list of duties assigned uniformly across the Govt. of India in all the States/Central Govt. offices in the country.

8. Since, the applicant has refused to obey the order of the Govt. of India and perform the tasks as indicated in DOPT O.M. produced as Annexure A-8, his termination is justified by respondents as they were frustrated by the lack of cleanliness in the office. But the punishment of termination appears to be harsh. Considering the harshness of the punishment, we direct the respondents to take the applicant back on duty subject to condition that the applicant gives an undertaking in writing that the duties as indicated in Govt. of India O.M. (Annexure A-8) produced by the applicant, which includes sweeping, will be performed by the applicant, and he will not refuse to do any of the duties indicted therein. If such, an undertaking is given by the applicant, he will be taken back on duty, but, he will not be paid any back wage for the period he was not in service.

9. The O.A. stands disposed of accordingly with no order as to costs.

**(P.GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**Dated: 23.04.2019**  
**‘SK’**



