

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 063/915/2019

Chandigarh, this the 3rd day of September, 2019

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

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Pragti Sheel son of Sh. Kamal Kumar, age 37 years R/o Place Road
Solan, Tehsil & District Solan (HP) (Group-D) Pin 173213.

....APPLICANT

(By Advocate: Shri M.K. Bhatnagar)

VERSUS

1. Union of India through the Secretary, Ministry of Finance, Income Tax, Government of India, New Delhi.
2. Commissioner of Income Tax, Railway Board Building, The Mall, Shimla (HP) 171003.
3. Additional Commissioner of Income Tax, Railway Board Building, The Mall, Shimla 9HP) 171003.
4. Income Tax Officer, New Kather, Solan (HP) 173213.

....RESPONDENTS

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

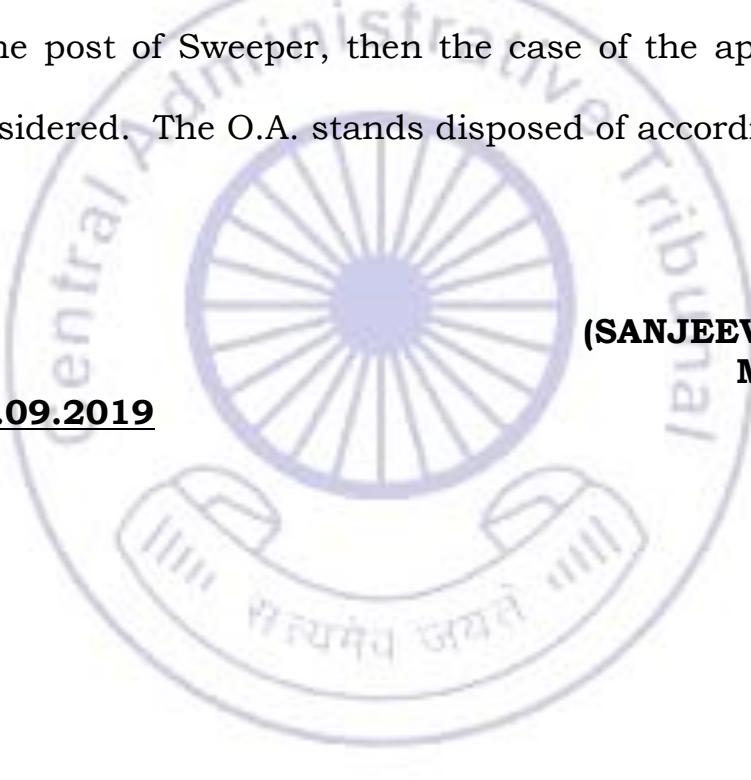
Heard Mr. M.K Bhatnagar, learned counsel for applicant.

2. The present Original Applications (O.A.) has been filed by the applicant, feeling aggrieved against order dated 19.2.2019 (Annexure A-1), whereby his representation, received in respondent office on 5.9.2017, and reminder on 11.6.2018, for reinstatement him in service as Sweeper, on daily wage basis has been rejected.

3. Learned counsel for applicant, vehemently argued that the applicant was initially engaged by the respondent department on 20.3.2002 as Sweeper on daily wage basis through Employment Exchange, Solan (H.P.). Unfortunately, he was involved in a FIR No. 248 dated 10.10.2010 under Section 457, 380, 120-B, 34 IPC & Section 25 of Arms Act at P.S. Sadar Solan (H.P.). He was arrested and his services were dispensed with. He was acquitted in the criminal case on 23.5.2017 by the Judicial Magistrate 1st Class, Solan. Thereafter, the applicant submitted a representation for re-engaging him in service on daily wage basis, but when the same was not decided by the respondents, he filed O.A. NO. 63/1076/2018, which was disposed of vide order dated 25.9.2018, by directing the concerned authority to decide his pending representation by passing a reasoned and speaking order. The respondents have passed the impugned order and aggrieved by the same, the applicant is before this Tribunal. The learned counsel for applicant has also submitted that after the disengagement of the applicant in the year 2010, the respondent department have appointed persons from outsourcing agency. Thus, he submitted that since the applicant was working with the respondent department for a long time, therefore, a direction be issued to respondents to re-engage him on daily wage basis as the applicant has been acquitted in the criminal case.

4. I have given thoughtful consideration to the entire matter and have perused the pleadings available on record.

5. It is not in dispute that the applicant was engaged by the respondent department in the year 2002 as Sweeper and was discontinued in service till 21.12.2010, when he was arrested in a criminal case. Thereafter, the respondents, as is seen from the impugned order, have appointed other persons and they are continuing working with them, finding that there is no vacancy against which the claim of the applicant can be considered, accordingly they rejected his request. I do not find any illegality in the impugned order. However, if the respondents in future require to fill up the post of Sweeper, then the case of the applicant may also be considered. The O.A. stands disposed of accordingly.



(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 03.09.2019
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