

Ram Kumar Vs. Uoi and anr.

Ram Kumar Vs. Uoi and anr.

SooperKanoon Citation : sooperkanoon.com/921104

Court : Delhi

Decided On : Sep-15-2011

Judge : A.K. Sikri; Siddharth Mridul, Jj.

Appeal No. : W.P.(C) NO.7437/2000

Appellant : Ram Kumar

Respondent : Uoi and anr.

Advocate for Pet/Ap. : Mr. A.P. Dhamija, Adv.

Judgement :

1. The Petitioner herein had preferred O.A. No.299/1997 before the Central Administrative Tribunal claiming the relief to the effect that he be absorbed as permanent employee for the post of Driver with effect from 18.04.1981 and his seniority be also given on that basis. The O.A. has been dismissed by the Tribunal vide impugned Order dated 17.05.2000. The Tribunal has taken note of the facts that the Petitioner was initially appointed as Khalasi on casual basis and he himself had offered for regularization for the said post on 26.02.1996 on the basis of which regularization was accorded to him vide orders dated 26.02.1996. The Tribunal further observed that the Petitioner had been given the grade of Driver i.e. `1,200-1,800/- on ad hoc basis in the construction organization which is a project office and he is still holding the post and has not been demoted. The contention of the Respondent to the effect that the Petitioner was having lien in Class IV post in

Delhi Division was noted by the Tribunal and on that basis the Tribunal has concluded that orders dated 26.02.1996 issued by the Respondent regularizing the Petitioner in the grade of `750-940/- against the 60% reserved posts of Khalasi is valid.

2. In this Writ Petition filed by the Petitioner, the Petitioner has pointed out that the issue raised in the O.A. did not pertain to the regularization of the Petitioner against the post of Khalasi. It was submitted by him that as per the relevant rules and instructions for appointment to the post of Driver on regular basis the Petitioner was required to appear in trade test and the Petitioner had appeared in the said test and was declared successful vide convocation dated 20.03.1997. Predicated on that, the Petitioner had staked the claim that he should have been regularized in the post of Driver. We find that this issue has not been properly dealt with by the Tribunal. The Tribunal has, no doubt, stated that the Respondent have duly considered the application for regularization in the grade of Khalasi in accordance with relevant rules but it has not dealt with the claim of the Petitioner that on passing of the trade test he should have been regularized as Driver more particularly when person junior to him had been regularized.

3. It appears that since the Petitioner had not appeared before the Tribunal, the Tribunal presumed that the Petitioner did not have any further grievance. Since we are of the opinion that the issue raised by the Petitioner is not dealt with and any finding given thereupon conclusively, the order of the Tribunal needs to be set aside. We accordingly quash the impugned order and remit the case back to the Tribunal for decision of the O.A. on merits in accordance with law.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com