
(2002) 12 AHC CK 0067
In the Allahabad High Court
Case No : C.M.W.P. No. 21177 of 2002

Ashok Kumar

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 03-12-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 1 AWC 505 : (2003) 96 FLR 333 : (2003) 1 LLJ 947 : (2003) 1 UPLBEC 292

Hon'ble Judges : Yatindra Singh, J;M. Katju, J

Bench : Division Bench

Advocate : S.K. Mishra, for the Appellant; Prakash Krishna, for the Respondent

Final Decision : Dismissed

Judgement

Yatindra Singh, J.—Petitioner filed a case, namely, O.A. No. 2229 of 1998 before Central Administrative Tribunal (Principal Bench) New Delhi (the CAT) for the relief that he may be granted salary from 2.1.1998 to 20.10.1998 and for grant of temporary status under the DOPT scheme dated 10.9.1993. It was alleged in that application that the petitioner was forced to work as casual labour in the name of some body else. The CAT decided this OA on 9.12.1999. The Tribunal held that the petitioner was involved in doubtful activities. However, a direction was issued to investigate the matter at higher level and it was further directed that in case the report was in favour of applicant, then he would be reengaged. The inquiry of higher level was conducted and a report was made on 12.5.2000 and in view of the report, the petitioner was not reengaged. The petitioner filed a contempt application with the CAT alleging that its direction dated 9.12.1999 had not been obeyed. This contempt application after hearing the parties was dismissed on 20.7.2000. Thereafter the petitioner filed a fresh case, namely, O.A. No. 1903 of 2000 challenging the report dated 12.5.2000 in the CAT. This has been dismissed on 13.3.2001, hence the present writ petition.

2. We have heard Sri S. K. Misra, learned counsel for the petitioner and Sri

Prakash Krishna, learned counsel for the respondents. The petitioner was nearly a temporary employee and his role was held to be doubtful. Nonetheless in view of the direction issued by the CAT, the matter was inquired into by the higher authority and it was found that there was a tacit agreement between Bharat Bhushan Head Clerk, Sri Surendra Singh and the applicant. The petitioner was found to have obtained employment on producing false documents. This petition was also filed after one year of the decision given by the CAT. In these circumstances, this case is not fit for exercise of discretionary and equity jurisdiction under Article 226 of the Constitution of India. The petition is dismissed.