

(2011) 07 DEL CK 0469

In the Delhi High Court

Case No : Writ Petition (C) No. 165 of 2007

Sh. Rajender Sharma

APPELLANT

Vs

Government of India

RESPONDENT

Date of Decision : 05-07-2011

Acts Referred:

Citation : (2011) 07 DEL CK 0469

Hon'ble Judges : Sudershan Kumar Misra, J;Anil Kumar, J

Bench : Division Bench

Advocate : Nemo, for the Appellant; Nemo, for the Respondent

Final Decision : Dismissed

Judgement

Anil kumar, J.—The Petitioner has challenged the order dated 25th July, 2006, passed by the Central Administrative Tribunal, Principal Bench, New Delhi in OA No. 1731/2005 titled as "Sh. Rajender Sharma v. Government of India", dismissing the original application of the Petitioner seeking quashing of order dated 26th July, 2005 whereby the services of the Petitioner were terminated with all consequential benefits and the relief to regularize the Petitioner to the post of Lower Division Clerk (LDC) from 10th May, 1996 was also declined and the original application was dismissed.

2. While considering the pleas and contentions of the Petitioner, the Tribunal had noted that the appointment of the Petitioner was not made according to rules or regulations or by following any selection process. It was also considered that the appointment was based on a discussion and the Petitioner was appointed from a back date. The Tribunal inferred that the appointment of the Petitioner was contractual and there had been no change in his status. The contract of the Petitioner had ended amicably on 31st March, 1989 after four years in terms of Respondent's notice dated 10th March, 1989. The Petitioner had however, continued till 26th July, 2005.

3. The Tribunal has also inferred that non-renewal of contract after 1994 can

hardly be construed as implicit regularisation of Petitioner's services. It concluded that continuing with his services without formally renewing the contract can only amount to a deemed renewal of the contract, it doesn't amount to a deemed regularisation of the Petitioner's service.

4. The relief of "equal pay for equal work" was also declined as the Respondent had not conceded the relief for regularisation of the Petitioner to the post of Lower Division Clerk (LDC)

5. No one is present on behalf of the Petitioner. Perusal of the record reveals that no one was present on behalf of the Petitioner even on 25th August, 2005, however, no adverse order was passed against the Petitioner in the interest of justice and the matter was posted for 16th November, 2009.

6. On 16th November, 2009 again no one had appeared on behalf of the Petitioner, however, again no adverse order was passed against the Petitioner in the interest of justice and the matter was allowed to remain on board in the category of "Regular Matters".

7. Thereafter, the matter was again taken up on 4th July, 2011, however, again no one appeared on behalf of the Petitioner. No adverse order was passed against the Petitioner in the interest of justice and the matter was allowed to remain on board in the category of "Regular Matters".

8. Today, again no one is present on behalf of the Petitioner. In the circumstances, this Court has no other option but to dismiss the writ petition in default for of appearance of the Petitioner and his counsel. The writ petition is therefore, dismissed in default.