

**Central Administrative Tribunal
Principal Bench**

**OA No.3919/2014
MA No.4014/2019**



New Delhi, this the 11th day of February, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Sh. Arvind Giri,
Aged 29 years,
S/o Late Shri Raghunath Giri,
R/o House No.101, Gali No.55,
B-Block, MCF 854, Sanjay Colony,
Sector-23, Faridabad
Post : Part Time Farash/Peon

...Applicant

(By Advocate : Shri Anuj Aggarwal)

Versus

1. The Joint Secretary,
Union of India,
Ministry of Law & Justice,
Department of Legal Affairs,
Implementation Cell,
Shastri Bhawan,
New Delhi-110001.
2. The Superintendent (Legal),
Ministry of Law & Justice,
Department of Legal Affairs,
Appellate Tribunal for Foreign Exchange,
15th Floor, Hindustan Times House,
K.G.Road,
Delhi-110001.

...Respondents

(By Advocate : Shri S.K.Tripathi for Shri Gyanendra Singh)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant states that he has been engaged as Farash in the Appellate Tribunal for Foreign Exchange, the second respondent herein, on part time basis from 01.07.2005 onwards.

2. It is stated that the applicant was discharging the functions without any remarks ever since then and though repeated representations were made for regularisation of his services, the respondents did not take any steps in that behalf. This OA is filed with a prayer to direct the respondents to regularise the services of the applicant, from the date of his initial appointment and to extend the consequential benefits, in the form of minimum wages, as revised from time to time.

3. The respondents filed counter affidavit opposing the OA. It is stated that engagement of the applicant and three others as Peon/Farash was only a stop gap arrangement, pending appointment of regular candidates and that the applicant does not have any right to insist for regularisation.

4. We heard Shri Anuj Aggarwal, learned counsel for applicant and Shri S.K. Tripathi for Shri Gyanendra Singh, learned counsel for respondents.



5. The applicant did not place reliance upon any specific provision of law that enables him to be regularised. On the other hand, the Hon'ble Supreme Court in **Secretary, State of Karnataka & Ors. v. Uma Devi & Ors.**, AIR 2006 SC 1806, deprecated the practice of issuance of directions for regularisation of contractual employees, simply on the ground that they continued on for a long time.

6. The necessity to deal with the matter in further detail is obviated on account of the fact that the applicant was discontinued even from the part time service, in the year 2017, itself.

7. We do not find any merit in the OA and the same is, accordingly, dismissed.

Pending MAs, if any, shall stand disposed of.

There shall be no orders as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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