

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA 1065/1999

(B)

New Delhi this the 15 th day of September, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Mahesh Paswan,  
S/O Sh. Akal Paswan,  
R/O Quarter No. 615,  
Sewa Nagar, Kasturba Nagar,  
New Delhi.

.. Applicant

(By Advocate Shri M.K.Bhardwaj )

Versus

1. Director General,  
C.P.W.D. Nirman Bhawan,  
New Delhi.

2. Chief Engineer,  
C.P.W.D. Nirman Bhawan,  
New Delhi.

3. Executive Engineer,  
Techno-Legal Cell, C.P.W.D.,  
New Delhi.

4. Superintending Engineer,  
Techno-Legal Cell, C.P.W.D.  
New Delhi.

.. Respondents

(By Advocate Shri N.K. Aggarwal, Senior  
counsel )

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicant who states that he has been working as casual labourer is aggrieved by the action of the respondents in terminating his services and not re-engaging him. Hence this OA in which he seeks a directions to the respondents to <sup>a</sup> <sub>re</sub> reinstate him as <sup>a</sup> <sub>casual</sub> labourer in preference to juniors and outsiders, grant him temporary status and for regular absorption as <sup>a</sup> <sub>Group 'D'</sub> employee.

2. I have heard Shri M.K.Bhardwaj, learned counsel for the applicant and Shri N.K. Aggarwal, learned senior counsel for the respondents and perused the pleadings.

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3. From the Office Order dated 18.5.1998 it is seen that the applicant was selected as Waterman w.e.f. 18.5.98 for the summer season on daily wages. According to the respondents, he had worked ~~only~~ for 87 days, although they have also stated that as per the attendance sheet annexed by the applicant himself in the OA, it shows that he had worked only for 85 days. They have, therefore, submitted that the contention of the applicant that he had been appointed as casual labourer and working continuously for more than 240 days is incorrect. The respondents have stated that the applicant had been employed as daily wages only for a limited period for <sup>the</sup> summer season for filling coolers with waters and he cannot be termed as <sup>a</sup> ~~casual~~ labourer. They have also stated that his work is unsatisfactory. They have also alleged that he had removed <sup>the</sup> office attendance sheets from the records of the office which have been annexed to the OA which also shows that he is not trust-worthy and ~~can~~ not get any sympathy. Shri N.K. Aggarwal, learned counsel had also submitted that for the summer season in 1999, the applicant was also called for interview for Waterman which was held in May, 1999 but he did not appear for the same, although he had filed the OA on 6.5.99. He has also pointed out that no rejoinder has been filed by the applicant to controvert these facts and in any case, his contention is that the applicant cannot claim temporary status or other subsequent

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benefits which requires that he should put in 240 days of service as <sup>a</sup> casual labourer. <sup>In</sup> <sup>a</sup> <sup>15</sup> <sup>15</sup> Under the circumstances,

learned counsel for the respondents has prayed that the

OA may be dismissed. Shri M.K.Bhardwaj, learned counsel, <sup>has</sup> <sup>even</sup> on the other hand, <sup>has</sup> submitted that if the applicant has not completed 240 days of service, the respondents may be directed to engage him in preference to freshers and juniors and later on he may be given <sup>the</sup> <sup>a</sup> other benefits in accordance with the Rules, after completion of the required length of service.

4. I have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

5. As mentioned above, the applicant has not controverted the averments made by the respondents that he did not appear in the subsequent interview held in May, 1999 for the summer season of that year although he was informed. From the records it is also seen that the applicant had actually put in 85 or 87 days of service as <sup>a</sup> <sup>15</sup> daily wages Waterman for the summer season <sup>a</sup> <sup>15</sup> 1998. In the circumstances of the case, the claims of the applicant for grant of temporary status or for a direction to the respondents to absorb him against <sup>a</sup> <sup>15</sup> Group 'D' post are neither tenable or warranted. In the circumstances of the case and in view of the fact that he had not <sup>a</sup> <sup>15</sup> <sup>15</sup> appeared in the subsequent interview held by the respondents

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for engagement as Waterman for the summer season of 1999,  
which fact has not in any way <sup>been</sup> controverted by him, I find  
no merit in this OA. The submissions made by the respondents  
that the applicant had also removed official attendance  
sheets from the Office records can <sup>not</sup> also be ignored so  
as to entitle him for any relief as prayed for in the  
present OA.

6. In the facts and circumstances of the case as there  
is no merit in the OA, the same is dismissed. No costs.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

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