

IN THE CENTRAL ADMINISTRATIVE TRIBNAL

NEW DELHI

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O.A. No. 1266/99
T.A. No.

DATE OF DECISION 16.05.2000

Tek Chand Petitioner(s)
Sh. S.L. Hans Advocate for the
Petitioner(s)


Versus

U.O.I. & Drs. Respondents
Sh. VSR Krishna Advocate for the
Respondent(s)

CORAM:

Hon'ble Dr. A. Vedavalli, Member(J)

1. Whether Reporters of local papers may be —
allowed to see the Judgement?
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the —
fair copy of the Judgement?
4. Whether it needs to be circulated to —
other Benches of the Tribunal?


(Dr. A. Vedavalli)
Member(J)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1266/99

New Delhi this the 16th day of May, 2000.

Hon'ble Dr. A. Vedavalli, Member(J)

Sh. Tek Chand,
S/o Syri Ram Bahadur,
R/o Q.No.1, Govt. Boys Sr.
Secondary School, I.A.R.I.,
New Delhi-12.

..... Applicant

(through Sh. S.L. Hans, Advocate)

Versus

1. Union of India through
the Secretary (Revenue),
Ministry of Finance,
Govt. of India,
New Delhi.

2. Director,
Directorate of Organisation &
Management Services,
(Customs and Central Excise),
405/8, Rajindra Place,
New Delhi-8.

..... Respondents

(through Sh. VSR Krishna, Advocate)

O R D E R

The applicant, Tek Chand, who was working as a casual labourer (daily wager) is aggrieved by the order dated 03.08.98 terminating his services w.e.f. 04.08.98 by the respondents. He has impugned the said order dated 03.08.98 (Annex.A-1).

2. The applicant who was registered with the Employment Exchange was initially appointed as a daily wager w.e.f. 27.05.97 to 31.10.97 by the respondents by an order dated 27.05.97 (Annex.A-2). He was engaged again from 06.05.98 till 03.08.98 by an

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order of the respondents dated 06.05.98 (Annexure A-3). He was disengaged w.e.f. 04.08.98 by the impugned order dated 03.08.98 (Annex. A-1). The applicant is seeking in this O.A. quashing of the said impugned order, reinstatement and conferment of temporary status with all consequential benefits in accordance with law.

3. The O.A. is contested by the respondents who have filed their counter to which a rejoinder has also been filed by the applicant.

4. Heard the learned counsel for both the parties. Pleadings and the material documents and papers placed on record have been perused. I have given careful attention to this matter.

5. It was submitted by the learned counsel for the applicant that he worked with the respondents for more than 240 days continuously and is entitled for grant of temporary status by them as per the provisions of the relevant Department of Personnel & Training O.M.NO.51016/2/90-Estt(C) dated 10.09.1993 (Annexure-A4). He has also submitted that he made a number of representations including the one dated 23.10.98 (Annexure A-5). He contended that the action of the respondents in terminating his services instead of conferring temporary status is arbitrary and illegal and prayed that the O.A. may be allowed with costs.

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6. Learned counsel for the respondents Shri VSR Krishna submitted that the applicant was engaged for intermittent periods and as per the appointment order after expiry of the stipulated period mentioned therein no notice is required for terminating the applicant's services. The applicant was engaged as and when seasonal work like filling up water coolers etc. was available and when there was no work he was disengaged. However, he has not completed the requisite number of 206 days in a year as per the relevant Scheme for grant of temporary status. He contended that the respondents have also not engaged any other casual labourer junior to the applicant and that there is no discrimination or violation of any law. He prayed that the O.A. may therefore be dismissed with costs.

7. Learned counsel for the respondents, however, submitted that the applicant will be considered for re-engagement as and when the work is available.

8. In the facts and circumstances of this case and in view of the foregoing discussion, I am of the opinion that the applicant has not established the specific violation of any of his vested legal rights on any valid and sustainable ground and hence is not entitled for the reliefs sought by him in this O.A. However, in view of the fact that the applicant did work as a casual labourer even for intermittent periods and since the respondents are willing to consider him for re-engagement if work becomes available as stated by the

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learned counsel for the respondents, the O.A. is disposed of with the following directions to the respondents:-

- (i) As and when work becomes available and steps are taken by the respondents to engage casual labourers, they should inform the applicant of the same sufficiently in advance and give him an opportunity to apply for the same.
- (ii) Respondents should not insist upon the applicant being sponsored by the Employment Exchange.
- (iii) In the event of such an application being submitted by the applicant for his re-engagement, he should be considered alongwith other eligible candidates, if any, on merits and in accordance with the relevant rules and instructions giving due weightage for his past service and in preference to his juniors and freshers.

Order accordingly. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)