

Central Administrative Tribunal, Principal Bench

O.A. No. 1284/99
M.A. No. 1748/99

New Delhi this the 16th day of November, 1999

Hon'ble Shri Kuldip Singh, Member (J)

1. Naresh Kumar S/o Shri Govardhan
R/o B 654 Jawala Puri, Pocket No.4,
Delhi-87. Applicants

2. Narender Kumar S/o Shri Mahipal Singh
R/o 12/42 Vijay Mohalla, Maujpur
Delhi-53.

By Advocate Dr. Surat Singh

Versus

1. Union of India through
the Secretary,
Ministry of Science and Technology Bhawan,
New Delhi. Respondents

2. Controller of Accounts,
Principal Account Officer,
Ministry of Science and Technology,
Technology Bhawan,
Mehrauli Road,
New Delhi.

By Advocate Shri K.C.D. Gangwani.

ORDER

Naresh Kumar and Narender Kumar have filed a joint application seeking relief of quashing of a letter issued by the respondents to the employment exchange to replace the applicant who were working as a casual labourers by another set of casual labourers. It is also prayed that the letter written by the respondents to the employment exchange calling for fresh names, be quashed and respondents be directed to regularise their services.

2. It is also pleaded that the applicants have already worked for 200 days and the moment they will complete 240 days, they will become eligible for being regularised, so the respondents be directed to regularise them after giving them

(3)

an opportunity for working for 240 days.

3. The respondents contested this O.A. and have stated that in their organisation there are two posts of Group 'D' against which two employees do the work of peon and other daily office work suitable to their nature of job such as dak and despatch etc. and last year due to accumulation of office records and also rush of work, the services of the applicants were taken through the employment exchange after following due process of recruitment. Initially they were engaged for 89 days from 12.8.98 to 10.11.89. Since certain other work became available, so they were again engaged from 13.11.98 to 9.2.99. Again their services were taken from 16.2.99 to 31.3.99 and it was a fact that one of the regular group 'D' employee had fallen sick and was hospitalised for serious ailment, so they were being engaged. Now since both the employees have returned from leave and work relating to records has not materialized, so there is no need of any hand in addition to regular employees. As such, the letter written to the employment exchange has already been cancelled. So it is stated that the case of the applicants cannot be taken up for regularisation since there is no work available and they are not required.

4. I have heard the learned counsel for the parties and have gone through the records.

5. At the outset I may mention that when this case was listed for the first time an interim relief was also asked for and respondents were directed not to disengage the services of the applicants till 15.6.99. and they were also directed to explain their stand on interim relief by the said date.

6. Respondents have filed an MA 1748/99 for vacation of the stay. I have heard on that application also.

7. From a perusal of the O.A. I find that the first

Kw

14

prayer is that the letter written to the employment exchange seeking the name of fresh candidate should be quashed. As far as this relief is concerned, the respondents have stated in their reply that they have cancelled this letter as no work is available with them as their regular employees have returned from leave. Since the respondents themselves have admitted they have cancelled this letter, so this relief sought for by the applicants have become infructuous.

8. As far as the relief seeking regularisation is concerned, the counsel for the applicants admitted that at the time of filing of the O.A. the applicants had not worked continuously for 240 days and they had worked only for 200 days. As regards this relief, I find, that the application is premature. As per the instructions on the subject, a casual labourer who has worked only for 200 days has no right to seek regularisation until he completes 240 days.

9. In view of the discussion above, although the reliefs cannot be allowed, however, at the request of the learned counsel for the applicant it is ordered that if any work is available, they will not engage the services of any other junior/fresher in preference to the applicants. Ordered accordingly.


(Kuldip Singh)
Member (J)

Rakesh