

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1356/99

New Delhi, this 7th day of December, 1999

Hon'ble Shri S.P. Biswas, Member(A)

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Khalil
House No.D-297
Gali No.1, Noor-Elahi
Maujpur, Shahdara, Delhi-53 .. Applicant

(By Shri M.L.Chawla/S.L.Lakhanpal, Advocates)

versus

Union of India, through

1. Secretary
Ministry of Defence
South Block, New Delhi
2. Air Officer (Admn.)
Air Hqrs.
Vayu Bhavan, New Delhi
3. Air Officer Commanding
Air Force Station
Race Course, New Delhi .. Respondents

(By Shri Gajendra Giri, Advocate)

ORDER

Applicant alleges that his services have been terminated by an oral order on 11.2.99 without any show cause notice when he had put in nearly 9 years of service under the respondents. He therefore prays for re-engagement and grant of temporary status thereafter.

2. The applicant would claim that he was initially engaged on 16.3.90 as a casual labourer (skilled) and continued as Electrician in automobiles attending to repairs of various vehicles under the respondents, that he had been initially paid Rs.1500/- per month with an annual increase of Rs.100 as increments. He is therefore entitled to the grant of temporary status as per the scheme dated 10.9.93 introduced by DoPT/ Government of India.

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3. Respondents deny the claims. They would submit that the applicant was never engaged as casual labour as alleged but was only entrusted with the repairs of vehicles of the department as and when required and duly paid for jobs assigned after completion on submissions of bills preferred by him as the proprietor of the firm called Khalil Auto Electric. In support of their contentions they have attached photocopies of large number of cash bills bearing the name of "Khalil Auto Electric" for such repairs. They further submit that the applicant was an electrical contractor who was paid for works undertaken on vehicles as per bills preferred against him.

4. Heard the learned counsel for both parties and perused the records.

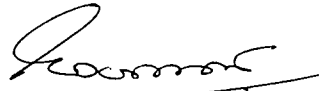
5. The main ground taken by the applicant in support of his claim is that the name of Khalil Auto Electric is not at all connected with the present OA as his name "Khalil" and name of the firm "Khalil Auto Electric" are distinctly independent of each other. Based on records, I could not be persuaded to accept this argument. That apart, applicant has not produced any order or official communication engaging or appointing him as Electrician on a monthly salary of Rs.1500 or for that matter he was granted annual increment of Rs.100/- every year thereafter. Nowhere under the Government of India/Govt. of NCT, a casual labour, whether as Electrician or as any other category, is paid monthly salary of Rs.1500/-.

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as casual labourers are always engaged on daily wages basis for a job of temporary nature at the rates approved by the local Government. I have, therefore, no reason not to disagree with the contentions of the respondents particularly when they have produced cash bills in the name of "Khalil Auto Electric" of which the applicant is proprietor and that they have settled all the bills received from him for repairs of vehicles etc.

6. This application is devoid of merits and deserves to be dismissed. I do so accordingly. No costs.


(S.P. Biswas)
Member (A)

/gtv/