

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1918/99

New Delhi this the 11th day of October, 2000.

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

Shri Vijay@Vijay Pat,
S/o Sh. Raj Singh,
R/o Q.No. 337,
ESI Colony,
ESI Hospital Complex,
Basai Dara Pur Delhi-15. Applicant

(through Sh. V.P. Trikha, Advocate)

Versus

1. Director General,
Employees State Insurance
Corporation, Kotla Road,
New Delhi.
2. Director, Medical,
Employees State Insurance
Corporation, ESI Hospital Complex,
Basai Darapur, Ring Road,
Delhi-15.
3. Medical Supdt. Employees State
Insurance Corporation,
ESI Hospital Complex,
Basai Darapur, Ring Road,
Delhi-15. Respondents

(through Sh. Mohinder Kumar, Asstt., deptt. representative)

O R D E R

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

Heard the learned counsel for the applicant Shri V.P. Trikha and Shri Mohinder Kumar, departmental representative for the respondents. No reply has been filed by the respondents. The departmental representative who was present has also not been able to state as to why the reply could not be filed by the respondents inspite of the opportunity being given to them for filing the same. He was also not in a position to throw any light on the various averments made by the applicant in the O.A. and

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the stand of the respondents in this matter. The O.A. is therefore being disposed of on the basis of the material papers and documents placed on record.

2. The applicant claims that he was sponsored through the Employment Exchange, was called for the interview, got selected and was appointed to the post of Sweeper by the respondents on daily wages in February 1997 though no appointment letter was issued and that has been working under them since then. He further claims that though he has completed more than 550 days of work he has not been conferred temporary status and the respondents have also been threatening to terminate his services.

3. The main reliefs sought by the applicant in this O.A. are for conferment of temporary status and absorption as a sweeper on regular basis against a regular post with the prescribed pay scale.

4. Learned counsel for the applicant contends that as the applicant has completed more than the requisite number of days of work, he should be granted temporary status and subsequent regularisation by the respondents as per the DOP&T O.M. dated 10.09.93 (Annexure-3). He relied strongly upon the decision of the Apex Court in the case of Dharwad Distt P.W.D. Literate Daily Wage Employees Association & Ors. Vs. State of Karnataka & ORs. (1990 SCC(L&S) 274) in this connection.

5. I have considered the matter carefully.

6. In the absence of any counter to the O.A. by the respondents, the factual position as to the engagement of the applicant and the completion of requisite working days as per the relevant rules and instructions, existence of the concerned post, vacancy position and the stand of the respondents in this case with reference to the contents of the O.A. and the reliefs sought by the applicant are not known. The applicant has also not furnished the necessary factual data with supporting documents to establish his entitlement to the reliefs sought by him. The documents stated to be the attendance sheets for the months of November 1998 to July 1999 (Annexure-1) do not even indicate the source from which they were extracted and the particular office or unit under the respondents in which the applicant is working. The factual information furnished in the O.A. is quite vague, sketchy and incomplete. He has not even bothered to submit any representation to the respondents regarding his grievances.

7. In the above facts and circumstances of this case, I am of the considered view that the applicant has failed to establish the existence of any vested legal right which would entitle him to the grant of reliefs sought by him. In the result, the O.A. is dismissed.

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8. However, since the applicant claims that he has been working as a daily wage casual labourer and with a view to meet the ends of justice, it is made clear that it would be open to the applicant to submit a comprehensive and self contained representation with full factual data and information to the respondents seeking redressal of his grievances. In the event of such an application being submitted by the applicant within a month from the date of receipt of a copy of this order, the respondents should consider the same on its merits in the light of the relevant rules/instructions and dispose of the same with a detailed and reasoned order in accordance with law and communicate the same to the applicant within two months from the date of receipt of the aforesaid representation. In case any grievance still survives after the receipt of the said order by the respondents the applicant is given liberty to approach this Tribunal in fresh original proceedings, if so advised, in accordance with law.

9. Order as above. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)