

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.
OA 2225/99

(7)

New Delhi this the 11th day of April, 2000

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

Om Prakash,
S/O Sh. Balwant Singh,
H.No.33, Vill. Singhu,
P.O. Singhu,
Delhi-40

.. Applicant

(None for the applicant)

Versus

1. The Superintending Engineer(MID),
Master Plan for Irrigation,
Govt. of Delhi, ISBT, Delhi.

2. The Chief Engineer,
Minor Irrigation Division I & F
NCT Govt. of Delhi. I.S.B.T. Delhi.

.. Respondents

(By Advocate Shri Vijay Pandita)

O R D E R (ORAL)

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

The applicant has filed this application stating that he had worked with the respondents w.e.f. 1.11.87 to 2.2.1988 when his services were terminated. He had filed an earlier application (OA 3336/92) before the Tribunal which was disposed of by order dated 17.12.1997. According to the applicant his work is satisfactory and he is also 50% handicapped. He has prayed that in the circumstances, since he had worked as daily wager, he may be confirmed in that post.

2. The respondents in their reply have submitted that the applicant was appointed as daily wage Beldar for 89 days with the respondents during the flood season of 1999 in compliance of the Tribunal's order dated 17.12.97 in OA 3356/92. They have also stated that the applicant was earlier in service from 2.11.87 to 2.2.88 (83 working days) as daily wage Beldar. According to them, his services were not terminated in 1988 but the applicant has left his services ^{on} ~~at~~ his own after 2.2.88 and joined in the strike and never reported back for his duties thereafter. In the circumstances, the respondents have submitted

18/

(8)

that since the applicant had worked earlier only for 83 days during 1987-88 and approximately three months during the year 1989 when he was reengaged as Beldar as per directions of the Tribunal dated 17.12.97, his services were treated as terminated as soon as the Flood/Monsoon was over. They have also stated that there is no vacancy for the post of Beldar after the monsoon seasons in the Irrigation and Flood Control Department.

3. It is noticed that the applicant has not filed any rejoinder to the reply filed by the respondents as far back as 10.2.2000 in spite of several opportunities having been granted to him. It is also noticed that the applicant was not present on the previous five consecutive days and even today and the OA was liable to be dismissed for default.

However, I have seen the records.

4. In the above facts and circumstances of the case, as the applicant does not have any enforceable right for being continued or confirmed in the post of Beldar on which post he was appointed on purely daily wage basis during the Flood/Monsoon season in 1999, this application is liable to be dismissed on merits also. However, if in the next Monsoon season Beldars are needed on daily wage basis, and if applicant applies, he may be considered in preference to outsiders and juniors, if otherwise eligible under the relevant rules and instructions.

5. In the result OA is disposed of as above. No order as to costs.

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

sk