

(90)

Central Administrative Tribunal
Principal Bench

O.A. 737/99

New Delhi this the 20th day of July, 2000

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

Mr. Narayan Das,
R/o H.No. 108, 'D' Block,
Kondi, Budh Vihar,
Khichripur,
Delhi-110 091.

... Applicant.

(By Advocate Shri Arvind Kumar)

Versus

1. The Director (Admn.),
Lok Nayak Jai Prakash Hospital,
New Delhi-110 002.

2. Delhi Administration,
through Secretary,
Govt. of NCT of Delhi,
New Delhi.

... Respondents.

(By Advocate Shri Vijay Pandita)

O R D E R (ORAL)

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

The applicant, who states that he has been working as a casual worker/Safai Karamchari with the respondents, is aggrieved by the verbal termination order dated 5.1.1999 by which his services were terminated.

2. The brief relevant facts of the case are that the applicant states that from 11.5.1989, he has been working with the respondents on daily wage basis till 1992. Shri Arvind Kumar, learned counsel has submitted that for reasons better known to the respondents, after 1993 the applicant was not allowed to enter the attendance register, although he submits that he continued to work on daily wages till 1998, and finally his services were terminated by the aforesaid impugned order.

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3. Although it is seen from the pleadings that the applicant had filed Annexure-II giving the details of the attendance on daily wage basis from 1989 to 1993, the certificates which according to him, support these applicants have been filed by him only in the rejoinder filed subsequent to the reply filed by the respondents on 10.8.1999. The claim of the applicant that between the years 1989 and 1993, he had completed more than 240 days service on daily wage basis, has been controverted by the respondents in their reply, who have stated that he had completed only 175 days between 1989 and 1990. The respondents have, therefore, contended that he was not entitled for grant of Temporary Status or ~~for~~^{for} regularisation. It is, however, noted that the respondents have not stated whether the applicant worked or did not, after 1990 till 1993 as averred by the applicant in the O.A. They have stated in their reply that the applicant was called for interview on 10.12.1996 but was not selected, although he was placed in the waiting panel at Serial No. 24. The relevant portion of the panel has been annexed to the O.A. by the applicant. Against serial No. 24, it has been noted that the applicant is "Ex-Daily Wage Employee". If, as stated by the respondents, the applicant had worked only from 1989 to 1990, it is a little surprising that they would have called him for an interview which was held in 1996, in which they have also noted that he is ^{an Ex} "Ex-Daily Wage Employee".

4. In the facts and circumstances of the case, the respondents ought to have verified from their records the further claims of the applicant, referred to above, including the documents annexed to the rejoinder to

ascertain the veracity of his claims that he had put in more than 240 days as daily wage Safai Karamchari between 1989 to 1998.

5. In the facts and circumstances of the case, the O.A. is disposed of with the following directions:

(i) Respondents to consider the claim of the applicant for grant of "Temporary Status" in accordance with the relevant rules and regulations, after verifying their records with the annexures given by the applicant in the rejoinder. In case the applicant fulfils the period, as required under the relevant Govt. of India, DOP&T O.M. dated 10.9.1993, he shall be granted "Temporary Status" from the due date, that is, from the date he had completed the required number of 240 days in one year. Necessary action in this regard shall be taken within a period of two months from the date of receipt of a copy of this order with intimation to the applicant.

(ii) In case, the respondents also require the services of a casual labourer, they shall consider re-engaging the applicant, in preference to outsiders and juniors. No order as to costs.

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

'SRD'