

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.2271/98

(6)

Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this the ~~22nd~~ day of April, 1999

Shri Chuni Lal
S/o Shri Damodar
R/o 312-C, Gali No.5
Govindpuri, New Delhi 110 019 ...Applicant

(By Dr. Surat Singh, Advocate)

Versus

1. Director General,
Archaeological Survey of India
Near National Museum
Janpath, New Delhi
2. Superintending Archaeologist
Archaeological Survey of India
Delhi Circle
Safdarjang Tomb,
New Delhi 110 003 ...Respondents

O R D E R (ORAL)

The applicant claims that he has been working with the respondent as a casual labour since 5.7.87. On the basis that the respondents required his services on perennial basis, he has sought a direction that they should regularise him in service without consequential benefits.

2. The respondents in their reply have denied the claim of the applicant. They claim that the applicant has worked for 80 to 90 days in a year. However, his services were terminated on account of his indiscipline from 26.2.1997. Later, on the applicant submitting a letter of apology and assuring good conduct, he was given another chance as a casual

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worker during July to December, 1998. However, during this period also, he remained absent in November, 1998.

(7)

3. I have heard the counsel. No direction for regularisation can be made unless it is shown that posts are available with the respondent. The applicant could, however, be entitled on the basis of his service, for grant of temporary status and the consequential benefits thereto. I find, however, from the reply of the respondents that the applicant ~~can~~ be given temporary status under the rules and the temporary status was terminated on account of his indiscipline and later on his tendering a letter of apology, he was engaged as a casual labour.

4. I do not consider that the respondents can take away benefits of the temporary status in case they have need for his services and keep him as a casual labour in a temporary capacity. In these circumstances, the O.A. is disposed of with the direction that the respondents will keep him in engagement on the basis of his seniority and he may be considered for regularisation as and when posts are available.

5. As regards his temporary status, the same will be restored to him on the basis of the service rendered by him. In case they wish to dispense with his services, they can do so only by giving him an ^{to be heard} opportunity in his defence.

R.K. Ahuja —
(R.K. Ahuja)
Member (A)