

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 560/1998

New Delhi, this 23rd day of March, 1998

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

Shri Vipin Sharma
 B-I-522, Madan Gir
 New Delhi-110 062

... Applicant

(By Advocate Shri V.K. Garg)

versus

The Secretary
 Department of Electronics
 Electronics Niketan
 6, CGO Complex, New Delhi-3

... Respondent

ORDER

Applicant is aggrieved by disengagement of his services by an oral order with effect from 10.2.1998 and seeks issuance of a direction to the respondent to take him back in service.

2. Learned counsel for applicant submits that the applicant was working as Staff Car Driver on casual basis against a regular post under the respondent for more than 240 days in a period less than one year, inasmuch as that the applicant had worked from 31.3.97 to 25.6.97, from 30.6.97 to 8.10.97 and again from 17.11.97 to 10.2.98. He would further contend that the applicant, though had earlier made representation for regular appointment, has not made any appeal after 10.2.98 when his services were disengaged by an oral order. He is relying on the decisions of the apex court in the cases of UOI Vs. Moti Lal & Ors. 1996(7) 510 541 and Anil Kumar Gupta Vs. State of Bihar 1996(7) 510 83 in support of his claim.

3. I have gone through the above cited judgements. In the former, it was the case of direct appointment of the petitioners to the post of Mates, who on obtaining temporary status after putting in 22-25 years of continuous service were claiming for regularisation and the respondents were directed to regularise them but it was not to be treated as a precedent. In the latter case, the petitioners therein working as daily wagers, who were engaged for completion of some project work, were allowed to continue till regular selection was made.

4. In the instant case, though the applicants claims to have worked for more than 240 days, when we take into account the actual number of days of working leaving aside the break period and closed holidays, the total does not exceed 240 days as claimed. Thus, the abovesaid cases do not help the applicant.

5. In the circumstances, ends of justice could be met by directing the applicant to make a detailed representation to the respondent within a period of six weeks from today. The respondents shall consider the same, pass an appropriate reasoned order and communicate the same to the applicant within two months from the date of receipt of the representation.

The application is disposed of as aforesaid. No costs.



(S.P. Biswas)

Member (A)

/gtv/