

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(3)

O.A./T.A. No. 1631/95 /19

Decided on: 9.4.96

Shri Adesh Kumar

..... APPLICANT
(By Shri A.K. Bhardwaj Advocate)

VERSUS

U.O.I.

..... RESPONDENT
(By Shri M.M. Sudan for R-3 Advocate)

CO RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE SHRI / SMT. / DR. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal? No

S.R. Adige
(S.R. ADIGE)
Member (A)

29

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1631 of 1995

New Delhi, dated the 9th April, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Adesh Kumar,
S/o Shri Jagdish Prasad,
R/o I-201, Sewa Nagar,
New Delhi-110023.

..... APPLICANT

(By Advocate: Shri A.K. Bhardswaj)

VERSUS

1. Union of India through
the Secretary,
Ministry of Welfare,
Shastri Bhawan,
New Delhi.
2. Thge Section Officer,
General Section,
Ministry of Welfare,
Shastri Bhawan,
New Delhi.
3. The Sr. Administrative Officer,
National Commission for
Backward Classes,
West Block, Wing-3
Second Floor, R.K.Puram,
New Delhi.

(By Advocate: Shri M.M.Sudan for R-3)
JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard applicant's counsel Shri Bhardwaj and the respondents' counsel for Resp. No.3 Shri Sudan.

At the outset we accept the averments of Respondent No.3 ^{that the} National Council for Backward Classes being a statutory authority constituted under the NCBC Act, 1993, and not being notified under Section 14(2) A.T. Act, the Tribunal has no jurisdiction over Resp. No.3.

A

3. In so far as respondents 1 and 2 are concerned, there is no denial to their reply that the applicant was not sponsored by the Employment Exchange; and that he worked with gaps only from 3.5.93 to 17.8.93 (102 days) on stop gap arrangement as a safai karamchari against leave vacancies of regular incumbents. This short period gives him no legal enforceable right for grant of temporary status, let alone for regularisation under respondents 1 and 2.

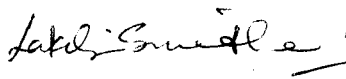
4. We however note from paragraph 3 of respondent No.1's letter dated 28.6.95 that it is on the request of some officer working in the office of respondent No.3 that the applicant's name was suggested by Respondent No.1 as he had worked with them. It is only on coming over to Resp. No.3 and when the applicants case for regularisation was set in motion that it was discovered that the applicant had not come through the Employment Exchange when he was initially engaged with Resp. No.1. The fact that had the applicant not been recommended by Resp. No.1 to Respondent No.3, his fortunes would not have so drastically plummeted, after working nearly 1 year 10 months with Respondent No.3 cannot be wholly discounted.

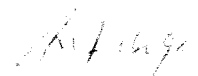
11

- 3 -

5. Under the circumstances we direct that subject to the applicant being sponsored by the Employment Exchange and subject to the availability of work the resp. No.1 and 2 should consider engaging the applicant as a casual labourer in preference to outsiders and those with overally lesser length of service. While considering the applicant's case, the respondents should not disregard the number of days of service put in by the applicant with Respondent No.3.

6. This O.A. is disposed of accordingly.
No costs.


(LAKSHMI SWAMINATHAN)
Member (J)


(S.R. ADIGE)
Member (A)

/GK/