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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2158/1995

New Delhi, this 14th day of May, 1996

Hon'ble Shri B.K. Singh, Member(A)
Hon'ble Dr. A. Vedavalli, Member(J)

Chok Bhadur Thapa
s/o Shri R.S. Thapa
C92/32A, Jhandewalan Cycle Market
New Delhi

.. Applicant

By Shri A.K. Roy, Advocate

Vs.

Union of India, through

1. Secretary
Min. of Posts & Telegraph
Meghdoot Bhavan, New Delhi
2. The Director General
Posts & Telegraph
Meghdoot Bhavan, New Delhi
3. The Manager
RLO, SRT Nagar Post Office
Building, New Delhi. .. Respondents

By Shri J. Banerjee, proxy for Shri
Madhav Panicker, Advocate

ORDER (oral)

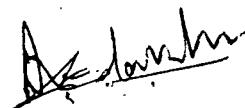
Hon'ble Shri B.K. Singh

Heard the learned counsel for the parties and perused the records of the case. It is an admitted fact that the applicant was engaged as Hamal on daily-wages from 13.3.91 to 14.2.95 for carrying bags from ground floor to 2nd/4th floor of the office building, particularly when the electric lift was not working. It is also an uncontested fact that the applicant was orally engaged on daily-wages and there was no work for him when the lift became operational. There is no sanctioned post of Hamal and the applicant was being paid from the contingencies ^{fund} and no formal

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appointment letter was issued to him. His services were discontinued by an oral order when there was no work for him. When a person is engaged on daily wages for a specific work and if there is no work available, his services have to be dispensed with. This being so, this Tribunal is not in a position to give any direction in this regard either to re-engage him or to continue him in service.

2. In a recent judgement in JT 1996(2)SC 455 State of Himachal Pradesh Vs. Suresh Kumar Verma & Ors. the Hon'ble Supreme Court has held that a daily wager is not appointed to a post but he is engaged for work of casual nature for which he is paid daily wages. If there is no work, his services can be dispensed with and court/Tribunal can not pass any order for his re-engagement. This being so, we are unable to pass any direction to the respondents. On merits ~~also~~ the application fails and is, therefore, dismissed out without any order as to costs.



(Dr. A. Vedavalli)
Member (J)
14.5.96



(B.K. Singh)
Member (A)
14.5.96

/gtv/