

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1853 of 1996

New Delhi, this the 28<sup>th</sup> day of August, 1997

Hon'ble Mr. N. Sahu, Member (Admnv)

1. Har Piari, W/o Shri Ram Singh,  
r/o B-373, Gautam Nagar,  
New Delhi- 110 049.

2. Raju s/o Shri Ram Singh, r/o B-373,  
Gautam Nagar, New Delhi - APPLICANTS

(By Advocate - Shri J.C. Malik)

Versus

Director General Production Centre,  
Doordarshan : Asiad Village Complex,  
New Delhi - 49 - RESPONDENT

(By Advocate - Shri S.M.Arif)

JUDGMENT

By Mr. N. Sahu Member (Admnv)-

In this Original Application the applicants pray that they should be absorbed as regular employees and given their due seniority; and also they pray for back wages during the period of unemployment.

2. The undisputed facts are that the applicants were engaged as casual labourers in the Central Production Centre, Doordarshan as under-

Applicant No.1- 1989 -44 days,  
1993 -69 days,  
1994-191 days,  
1995- 69 days,  
1996-106 days.

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Applicant No.2- 1989 -41 days,  
1990 -05 days,  
1993 -18 days,  
1994 -48 days.

(11)

3. Admittedly, the applicants had not completed 240 days of service in any of the years. Hence their claim for regularisation has been rejected. The services of the applicants were utilised as stated above intermittently as casual labourers. It is made clear by the respondent that their engagement is based on availability of work. The second point made by the respondent was that applicant no.1 stopped attending the office after 15.4.1996 without information and prior sanction causing hindrance to the completion of assigned work. They alleged that the applicant habitually left the work in the middle putting the respondent to considerable inconvenience. The same is the story with applicant no.2. Besides desertion of duties the applicants were also stated to be careless and inefficient in executing the job assigned to them. They were given oral warnings as they were not regular Government employees. The respondent further stated that this matter was adjudicated by the Labour Commissioner, New Delhi who satisfied himself that the plea of the respondent was genuine and dismissed the complaints of the applicants. Applicant no.1 again on 3.7.1996 filed another petition before the Delhi Legal Service Authority, Patiala House, New Delhi, which was heard on 16.7.1996. Again, the said authority dismissed the complaint of applicant no.1.

5. I have carefully considered the submissions made by the rival counsel. The Apex Court has held that the daily wage earner has no vested right to a post and cannot compel his engagement. All daily wage labourers engaged for specific items of work or for seasonal employment are liable to be terminated once the work is completed and no other work is available. In this case the respondent strongly contends that the applicants have deserted their jobs without notice to the employer or without his prior permission causing the employer considerable inconvenience. The employer also complained that the applicants are inefficient and careless in their work. There is no vested right to a particular job for a casual labourer. If the employer is convinced that the casual labourer is inefficient or insubordinate or contumacious he can summarily dismiss the daily wage earner from service.

*This is inherent in the right of an employer.*

(13)

6. This matter was adjudicated by the Labour Commissioner as well as the Legal Service Authority, Patiala House, New Delhi. I have perused the petitions before these authorities as well as the counter reply filed by the respondent. They have stated before these authorities the same complaints about their performance as mentioned above. Those two independent authorities have dismissed the complaints of the applicants.

7. In view of the above, the applicants do not deserve any relief and the Original Application is dismissed. The parties shall bear their own costs.

*Narasimha Rao*  
(N. Sahu)  
Member (Admnv)

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