

Central Administrative Tribunal
Principal Bench

O.A.No.2045/97

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

New Delhi, this the 12th day of March, 1998

Shri Shiv Bhagwan Sharma
s/o Shri Munna Lal
9/711, Subhash Road
Pt. Kishan Datt Street
South Gandhi Nagar
Delhi - 110 031.

(5)

... Applicant

(By Shri O.P.Sood, Advocate)

Vs.

1. Govt. of N.C.T. of Delhi
Service through Secretary (Medical)
5, Shyamnath Marg
Delhi.

2. Director
G.B.Pant Hospital
Jawahar Lal Marg
New Delhi.

.... Respondents

(By Shri S.K.Gupta, proxy of Shri B.S.Gupta, Advocate)

O R D E R (Oral)

The applicant submits that, on being sponsored by the Employment Exchange, he was employed as a Nursing Orderly on casual basis in G.B.Pant Hospital and served in that capacity intermittently for a period of 240 days. On that basis he submits that he is entitled for consideration for regular appointment. According to the applicant the department has been sanctioned a number of regular posts of Nursing Orderlies in the year 1995 but the action for regular appointments against these posts was only started in April, 1997. His grievance is that though certain juniors and outsiders have been appointed on regular basis the applicant has not been considered despite his long casual service with the respondents.

On

2. The respondents have filed a reply. They deny that the applicant served for 240 days in a period of one year. They have also furnished details of the casual service rendered by the applicant. According to this the applicant rendered a total of 86 days casual service in the year 1997. On that basis they submit that the applicant does not have a claim for grant of temporary status or for regularisation. They further submit that, at present, no Nursing Orderly on casual basis is engaged with the respondents and therefore, the applicant cannot be considered by them for re-engagement.

3. I have heard the counsel. It is not denied that the applicant has not completed casual service of 240 days in a period of one year and he is therefore not entitled for grant of temporary status. The preferential treatment for regularisation under the Scheme of the DoPT follows only after a casual labourer is granted temporary status. In the present case as the applicant has not rendered sufficient casual service to be considered for grant of temporary status, he cannot claim preferential treatment for the purpose of regular appointment. However, the applicant having served with the respondents, on casual basis, even for a shorter period, is entitled for consideration along with others who may have been sponsored by the Employment Exchange. The learned counsel for the applicant submits that the applicant was not even called when recruitments were made in the past.

4. In the above facts and circumstances of the case, I consider it appropriate to dispose of this OA with a direction to the respondents that applicant should also

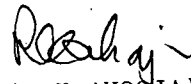
Dr.

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be called for consideration as and when they make regular appointments to the post of Nursing Orderly. I have no doubt that respondents will give due consideration to the fact that the applicant has already served with them on casual basis, ~~such as experience~~. To this end, the applicant will also keep the respondents of his latest address so that a communication can be sent to him by the respondents.

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The OA is disposed of as above. No costs.


(R.K. AHOOJA)
MEMBER (A)

/rao/