

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(2)

O.A.No.433 of 1994

New Delhi, this the 11th day of March, 1994.

HON'BLE MR JUSTICE S.K.DHAR, VICE CHAIRMAN
HON'BLE MR B.N.DHOUNDIYAL, MEMBER(A).

Shri Mam Chand S/O late Shri Mohan Lal,
R/O Ambrai, P.O.Palam,
New Delhi. Applicant.

(through Mr S.K.Makkar, Advocate)

vs

1. Union of India,
through Secretary of Defence,
New Delhi.
2. Chief Engineer,
Air Force(W.A.C.)
Jalandhar Cantt.Jalandhar.
3. C.W.E.(Air Force)
Palam, Delhi, Cantt.
Delhi.
4. C.E.A.(North),
Delhi Cantt.
Delhi. Respondents.

Order

(delivered by Hon'ble Mr B.N.Dhoundiyal, Member(A)

The applicant has worked for 100 days
in 1984 and 109 days in 1986-87 on Muster Roll as
Mazdoor under Central Division, Air Force, Palam.
He is aggrieved that his services have been
discontinued and his representations for regularising
his services in the department have not been responded to.
He prays for re-instatement and extension of the
benefit of the judgment of ^{the Jodhpur Bench of} this Tribunal in case of
Jitu Singh and others vs. Union of India(O.A.No.1/90)
decided on 29.10.1991 as also of back wages and
all consequential benefits. He also seeks direction
to the respondents to regularise his services.

2. Heard the learned counsel for the
applicant on admission. He took us through the judgment

(3)

of this Bench of the Tribunal dated 22.10.1993 in case of Ram Niwas & others vs. Union of India and others (OA No.607 of 1993). He relied particularly on the following observations of the Jodhpur Bench of this Tribunal in case of Jeetu Singh and Others vs. Union of India and others:

"no harm shall be done if a direction is issued to the respondents in respect of those applicants, who have not completed 240 days, to give them an opportunity of re-employment under section 25-H of the Act in preference to others and their cases may be re-considered for re-employment."

3. In para 6 of the ^{aforesaid judgement,} directions were given that even if the applicant has not served for 240 days with the respondents they shall be given an opportunity of re-employment in preference to freshers as and when vacancy arises. However, in those cases, the applicants had averred that they had worked for more than 240 days which was disputed by the respondents. In this case, the applicant has come to us with a clear averment that he has not worked for more than 240 days of service in a year. Hence, he cannot lay a claim for regularisation.

4. In view of the aforesaid considerations, the application is disposed of at the admission stage itself with the observation that in case the respondents require the services of casual workers, the claim of the applicant may also be considered alongwith others.

(B.N. Dhoundiyal)
Member(A).

(S.K. Bhaon)
Vice Chairman

/sds/