

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.849/94

New Delhi : ^{May 23rd} ~~April 12~~, 1995

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

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

Shri Tulsi Ram
s/o Shri Hema Ram,
working as Casual Labourer in 4
Reserve Petroleum Depot, ASC,
Delhi Cantt-10,
r/o H.No.84, Gali No.2 Sagarpur,
Bhim Nagar

....Applicant.

By Advocate Shri A.K.Bhardwaj.

Versus

Union of India through

1. The Secretary,
Ministry of Defence,
Sena Bhawan,
New Delhi.
2. The Commandant,
4-Reserve Petroleum Depot, New Delhi.
3. The quarter Master General,
Army Head Quarter,
New Delhi.
4. The Record Office,
Army Service Core,
Banglore, Karnatka.
5. The General Officer, Commanding,
Delhi Area,
Delhi Cantt.

.....Respondents.

By Shri B.K.Agarwal, Advocate.

JUDGMENT

By Hon'ble Mr. S.R.Adige, Member (A)

In this application, Shri Tulsi Dass has
prayed for regularisation of his services as a Group
'D' employee with all consequential benefits.

2. The applicant contends that he was

A

15

employed as a Casual Labourer in 4-Reserve Petroleum Depot, ASC, Delhi Cantt, and had worked with the respondents for a period of 12 years. He claims that on 20.12.91, the respondents issued a list of casual labourers for absorption as a regular Group 'D' employees which included the applicant (Annexure-A), but while the others mentioned in the list were regularised, he was not. This act of the respondents is ^{allegedly} illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution. The applicant claims that he is entitled to regularisation having put in more than 240 days service in view of Circular dated 7.9.87 .

3. The respondents have pointed out that the said Circular of 7.9.87 is not applicable to the applicant , and the Circular which is applicable to him is dated 31.1.91 , a copy of which has been filed by the respondents' counsel Shri Agarwal and is taken on record. That Circular requires that only those casual labourers who have put in atleast 240 days of casual service (206 days in case of 5 days week), including broken period of service during each of two years' service, would be entitled to regularisation. In the reply, a statement showing the yearwise attendance of the applicant since 1981 has been furnished from which it appears that he has not completed 240 days service in two years since 1981(including broken period). The respondents have further stated that after calculating the broken period, 194 days of physical service is a mandatory ^{from} requirement and/the statement furnished by them , it could be seen that the applicant had completed

11

16

- 3 -

194 days of physical service during 1982-83 but during 1983 -84 he fell short 3 days' service for regularisation, and hence he could not be regularised. It is further stated that keeping in view the individual interest, applicant's case was ^{initially} recommended for condonation of 3 days' service which fell short, but the same was eventually rejected and, therefore, when the panel was prepared, the applicant did not meet the mandatory requirement.

4. In the O.A. as well as in the rejoinder, it has been alleged that the persons named in the list dated 20.12.91 (Annexure-A) junior to the applicant have been regularised but this has been denied by the respondents and it has been stated by them that none of the applicant's juniors who had not completed the required condition for regularisation, have been regularised.

5. In the absence of any specific details, these allegations made by the applicant appear vague and unsubstantiated.

6. As the applicant has failed to fulfil the mandatory requirement for regularisation of having put in 194 days' physical service during 1983-84, we see no good ground to interfere in the matter. However, having regard to the fact that the applicant fell short by only three days' service for regularisation, if upon reconsidering the matter, the respondents choose to condone three days' short fall in service, nothing

A

17

- 4 -

contained in this judgment will operate as bar from doing so.

7. This application is accordingly disposed of. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

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

/ug/