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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1317 of 1994

New Delhi this the 17th day of August, 1994

Mr. Justice S.K. Dhaon, Acting Chairman
Mr. B.N. Dhoundiyal, Member

Shri Krishan Pal
R/o E-45, Rouse Avenue,
New Delhi.

...Applicant

By Advocate Shri Shanti Prakash

Versus

1. Union of India through
Secretary,
Min. of Home Affairs,
Government of India,
New Delhi.
2. Superintendent of Police,
Central Bureau of Investigation,
Special Crimes Branch,
2nd Floor, Block,
CGO Complex, Lodhi Road,
New Delhi-110003.
3. Deputy Superintendent of Police,
C.B.I. S.C.B.,
C.G.O. Complex, Lodhi Road,
New Delhi.
4. C.B.I. (Special Inv. Cell-IV),
Hotel Samrat,
6th Floor,
Chanakyapuri,
New Delhi.

...Respondents

By Advocate Shri M.K. Gupta

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Acting Chairman

The material averments in the O.A. are these. On 17.11.1992, the applicant was employed as a Waterman/casual labourer on daily wages. His services were terminated on 08.05.1993. He was given a fresh engagement with effect from 23.12.1993 on daily wages for a period of 90 days. On 22.03.1994, his services were terminated. He was given fresh appointment on 24.03.1994. The prayer is that his services may be regularised with effect from 24.03.1994.

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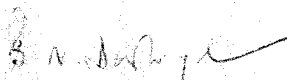
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2. A counter-affidavit has been filed on behalf of the respondents. Therein, the material averments are these. The applicant has no right to claim any regularisation. There is no work of a casual worker. If and when the respondents require a casual worker, they shall consider the case of the applicant for fresh engagement.

3. We take judicial notice of the Office Memorandum dated 10.09.1993 to which a comprehensive Scheme is annexed for the purpose of regularisation/giving of temporary status to the casual workers. The first requirement of the Scheme is that a casual worker should be 'currently employed' i.e., he should be employed on 10.09.1993. According to the applicant's own case, his services were discontinued on 08.05.1993 and he was reengaged on 23.12.1993. We are not prepared to accept the submission made on behalf of the applicant that the break in service between 08.05.93 to 23.12.93 was an artificial one. The respondents, therefore, are right in their stand that under the present arrangement the applicant's services cannot be regularised.

4. We have already indicated that the applicant had rendered service with the respondents in past. In view of the stand taken by the respondents in the counter-affidavit, we direct that if and when the respondents engage a fresh casual worker, they shall give a preferential claim to the applicant and consider his case for being given work, if he is otherwise eligible.

5. With these directions, this O.A. is disposed of finally but without any order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)


(S.K. DHAON)
ACTING CHAIRMAN