

Central Administrative Tribunal  
Principal Bench: New Delhi

19

OA No. 1891 of 1994 decided on 30th June, 1997

Ram Saroop  
(By Advocate : Shri C.L. Kumar)

...Applicant

Vs


Union of India & Ors.  
(By Advocate : Shri V.S.R. Krishna)

...Respondents

CORUM

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

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO

  
( N. Sahu )  
Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 1891 of 1994

New Delhi, this the 30<sup>th</sup> day of June, 1997

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

Ram Saroop S/o Shri Moti Ram,  
House No. 340, I-Block, Nand Nagri,  
Sundar Nagari, Delhi

- Applicant

(By Advocate - Shri C.L. Kumar)

Versus

1. Union of India thro' Secretary,  
Department of Culture, Shastri Bhavan  
New Delhi-110 001

2. Director, Central Secretariat Library  
Shastri Bhavan, New Delhi

- Respondents

(By Advocate : Shri V.S.R. Krishna)

J U D G M E N T

Hon'ble Mr. N. Sahu, Member (A)-

The prayer in this Original Application is to reinstate the applicant and also for payment of arrears of wages along with regularisation of his services.

2. The applicant was engaged on daily wage basis on 19.11.1993 and not on 19.9.1993 as alleged by the applicant. In the application the claim was that the applicant was appointed on 19.9.1993. In the rejoinder it is stated that the applicant was indeed employed as casual labourer only with effect from 19.11.1993. I believe the statement ~~the statement~~ made by the respondents to the effect that the applicant was engaged for a total number of 160 days with three breaks at different intervals ~~is~~ a correct statement of fact as it is supported by muster roll register and the applicant himself conceded that the statement in the Original Application of 300 days of work is wrong. This position makes a material difference, even if this application was to be admitted as coming within the jurisdiction of this Tribunal which as presently see is not the situation. The applicant is not Government servant. He was engaged only on daily wages. the respondents resisted the claim on the ground that

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21

Tribunal lacks jurisdiction. The respondents stated that the applicant's wages were paid from the profit of the tiffin room which was started in the year 1979 in the Bhawalpur House Annexe Building, Bhagwandas Road, New Delhi to provide tea, coffee and snacks to the staff of the Hindi and Regional Languages Wing of Central Secretariat Library at Tulsi Sadan. There are 3 sanctioned staff - (1) Coupon Clerk, (2) Tea Maker and (3) Wash boy. As and when the Centre for Cultural Resources and Training conducted courses for Teachers coming from different parts of the country, workers on daily wages are engaged to meet the temporary rush. One such engagement was that of the applicant made over a period of 6 to 7 months during which he worked 160 days in total. The applicant mentioned that in his place one Chowkidar and another casual labourer were engaged. This was emphatically denied by the respondents.

3. As the applicant was a daily wage worker, he does not come under a Civil post under the Union. There is no need to discuss the guidelines laid down in the case of Narender Gupta Vs. Union of India, 1986 ATC 414 as the salary is paid out of the profits of the canteen. It is obvious that such salary is not paid out of the revenue of the State. The case of Amar Nath Chaddha Vs. Union of India & others, (1991) 15 ATC 507, is an authority for the proposition that employees of canteen of a Service Institute of Air Force Station are not holders of civil post and hence the allegation on the illegality of termination of his services is not within the purview of this Tribunal. That apart, an employer - Government, Semi Government or private - is at liberty to engage any worker for special job for a specific period. The moment work is accomplished, the employment automatically gets terminated. It is a simple contract of labourer for services rendered. It does not create any vested right to a post or job. It can be seasonal, temporary or piecemeal. A daily wage worker engaged for such short term, piecemeal, seasonal or temporary job can be terminated once need is over and the job

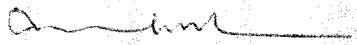
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22

accomplished; and no right accrues to him. This is not a case where a termination calls for any show-cause notice or adjudication.

4. I am, therefore, satisfied after hearing the arguments of the learned counsel for the applicant and respondents that (a) the applicant is not the holder of a civil post, (b) this Tribunal has no jurisdiction to adjudicate his termination, (c) even under general law purely short term seasonal employment does not need adjudication when it is a case of termination simplicitor; and (d) the applicant's engagement was only on temporary basis to meet the needs generated by rush of work and there were only three sanctioned posts, as such he cannot be regularised.

5. In the result, the application is dismissed. The parties shall bear their own costs.

  
(N. Sahu)  
Member (A)