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CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.1192 of 2000

New Delhi, this 19th day of April 2001

HON'BLE SHRI M.P.SINGH, MEMBER(A)

Bal Kishan
S/o Sh. Suraj Mani,
R/O E-413, Kidwai Nagar East.
New Delhi-110023 Applicant

(By Advocate:Shri A.K.Trivedi)

Versus

1. Union of India through
Through its Secretary,
Ministry of Defence,
South Block, New Delhi
2. The Director General (NCC),
Director of NCC
Pachim Khand-4
New Delhi Respondents

(By Advocate: Shri Rajinder Nischal, through
proxy counsel Shri Rajiv Choudhary)

ORDER(Oral)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking direction to dispose of his representation dated 10.11.1999. He has also sought direction to consider his case for re-engagement as casual labour whenever there is work available with the respondents.

2. Briefly, facts of the case, as stated by the applicant, are that he was initially engaged by the respondents as casual labour on 23.8.1991. During the period from 1991-95, he worked for 990 days in different spells. His services were terminated in October 1995 by giving one month's notice. He had filed OA.No.1435/96 which was



dismissed by the Tribunal vide its order dated 9.1.1997 as the same became infructuous. Thereafter the applicant submitted representation to respondent no.2 on 10.11.1999 requesting them to condone the period of one month ten days by relaxing the rules with regard to his age and consider him for regularisation of his services against Group 'D' post. But no response has been received by him till now. He has, therefore, filed this OA and sought the aforesaid relief.

3. The respondents in their reply have stated that as per the instructions casual workers can be appointed against regular vacancies provided they fulfil the following conditions:-

(a) The casual worker should have been engaged through Employment Exchange.

(b) Casual employees engaged through Employment Exchange and possessing experience of minimum two years of casual service will be eligible for appointment to Group 'D' posts on the regular establishment in that office on availability of regular vacancies subject to other conditions like reservation, age, qualification being satisfied.



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(c) Only a casual employee who has put in at least 240 days (206 days in case of 5 days week) of casual service (including broken period of service) during each of the two years of service referred to above, is entitled to the benefit of regularisation.

(d) For the purpose of absorption in regular establishments, such casual employees are allowed to deduct from their actual age the period spent by them as casual employees and if after deducting this period, they are within the maximum age limit, they should be considered eligible in respect of maximum age.

4. The applicant was considered by respondent no.2 for regularisation against a Group 'D' post. On scrutiny it was found that the applicant's date of birth recorded in his Secondary School Examination Certificate is 13.7.1966. He was engaged as a casual worker on 23.8.1991. Hence on the date of his engagement he was 26 years, 1 month and 10 days old. Thus he is over-aged by one month and ten days and does not fulfil the essential qualification of being within the prescribed age limit of 25 years for direct recruitment against the vacancy of a Group 'D' post as provided for in the Recruitment Rules. He was duly informed about this fact and



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subsequently the services of the applicant were terminated after giving one month's notice.

5. Heard both the learned counsel for rival contesting parties and perused the record.

6. After hearing the learned counsel for the parties and perusing the record, I am of the considered view that ends of justice would be met if directions are given to the respondents to consider the representation of the applicant dated 10.11.1999 (annexure A-3) and pass a speaking, detailed and reasoned order within a period of three months from the date of receipt of a copy of this order. I order accordingly.

7. The OA is disposed of with the above directions. No order as to costs.


(M. P. Singh)
Member (A)

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