

**CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH**

Original Application No. 1988 of 2000

New Delhi, this the 9th day of August, 2001

**HON'BLE MR. KULDIP SINGH, MEMBER (JUDL.)**

Banti Kumar S/o Mr. Banwari Lal  
R/o Village Dharuhera, District Rewari ..Applicant  
Haryana.

(By Advocate: Shri Shridhar Prabhu, proxy for Dr.  
Surat Singh, Counsel)

Versus

1. Commissioner of Customs,  
Central Excise Commissionarate,  
(Delhi-III) CR Building,  
New Delhi.
2. Deputy Commissioner (P&V)  
Central Excise Commissionarate,  
(Delhi-III) CR Building,  
New Delhi.
3. Assistant Commissioner,  
Central Excise Division  
1092/4, Urban Estate, Gurgaon.
4. Dy. Commissioner,  
Central Excise Div. II,  
Gurgaon,  
Haryana.

**-RESPONDENTS**

(By Advocate: Shri R.R. Bharti)

**ORDER (ORAL)**

**By Hon'ble Mr. Kuldip Singh, Member (Judl)**

Applicant has filed this OA as he is aggrieved of action of the respondents whereby they have refused to grant him regular status. Applicant was appointed as part-time casual worker on the post of sweeper w.e.f. 1st April, 1995 but the document shows that he had been working there even prior to that. Applicant was allowed initially to work for one hour but he is presently working for four hours in a day but he has not been paid according to the Minimum Wages Act.

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2. It is further submitted that since the applicant has worked for more than 240 days as such he is entitled for regularisation as he has been working satisfactorily. He has also prayed for a direction to the respondents to take steps to convert the applicant from part time worker to full time employee after increasing the duty hours and also a direction to respondents to bring the pay of the applicant at par with full-time workers.

3. I have heard for the parties and gone through the records.

4. The applicant has also pointed out that only after the recommendation by the Superintendent of Customs and Central Excise, his appointment was extended. Learned counsel for the applicant referred to a letter of the department itself which reads that the Superintendent, Custom and Central Excise in his letter has referred that normally three hours or so are daily required for cleaning and washing the toilets etc. and wages are being paid accordingly. To my mind this letter does not help the applicant. The letter does not say that full time work is available for the applicant.

5. Hence I find that the OA whereby applicant is seeking a direction to the respondents to convert the post from part time to full time work itself is not

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maintainable for lack of work, as full time work is not available with the respondents because respondents in their counter have pleaded that only part time work is available.

6. Keeping in view the above I find that OA has no merit and is accordingly dismissed. No costs.

  
( KULDIP SINGH )  
MEMBER (JUDL)

U/kd/

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