

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.260/2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)

New Delhi, this the 11th day of December, 2000

Laxmi Narain
s/o Shri Sardar Singh
r/o BB-173, Nabi Karim
Balmiki Mandir
Paharganj
Delhi - 110 055.
(By Shri M.L.Chawla with Shri S.L.Lakhan
Pal, Advocate)

... Applicant

Vs.

1. Union of India through
the Secretary to the Govt. of India
Ministry of Defence
Central Sectt., South Block
New Delhi - 110 011.
2. Joint Secretary & C.A.O.(Training)
Ministry of Defence
Central Sectt., South Block
New Delhi - 110 011.
3. The Director of Administration
(Maintenance Section)
Directorate of Administration
Naval Hqrs., 'A' Block Hutments
New Delhi - 110 011.
(By Shri V.S.R.Krishna, Advocate)

... Respondents

O R D E R (Oral)

Heard the counsel for the applicant and the respondents.

2. The case of the applicant is that he had worked five days in October, 1999 and one day in November, 1999 as Casual Labour with the respondents and thereafter, since his mother was seriously ill and ultimately died, he could not resume to work with the respondents. It is also stated that the applicant had requested for leave during his mother's illness but without considering the same the applicant was disengaged w.e.f. 8.12.1999. It is also alleged that the respondents is guilty of practising contract labour system.

3. It is stated in the reply that the applicant had worked only for six days during October and November, 1999 and he failed to inform the authorities about his absence which adversely affected and casual inconvenience to the administration. As the applicant was not willing to work, he was intimated on 8.12.1999, Annexure-A2 that his services were no longer required. Learned counsel for the respondents therefore submits that the applicant cannot claim by way of right to be taken into service as casual labour.

4. It may be true that the applicant was not able to attend the office as his mother was seriously ill but the applicant should have intimated the office before absenting himself for work. A perusal of the order dated 8.12.1999 makes it clear that the applicant had not intimated to the office and he was not available for the work of the office at the time his services were required. I do not therefore find any warrant to interfere with the impugned order. The order cannot be faulted for any reason. Since the applicant had worked only for few days in October and one day in November, 1999, he cannot have any right to be continued or to seek fresh employment. It is however open to the respondents to consider his case whenever work is available. Regarding allegation of practising contract labour there is no material to substantiate the same. The OA therefore fails and is accordingly dismissed. No costs.


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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