

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

...

OA.1822 of 1989

Dated New Delhi, this the 9th day of May 1994

Hon'ble Shri J. P. Sharma, Member (J)  
Hon'ble Shri B. K. Singh, Member (A)

Shri Bijender Singh  
S/o Shri Tika Ram  
R/o Village: Mandoli  
P.O.: Nand Nagri  
DELHI-93

... Applicant

By Advocate: None present

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Union of India, through  
Secretary  
Ministry of Agriculture  
Shastri Bhawan  
NEW DELHI

... Respondents

By Advocate: Shri V.S.R. Krishna

O R D E R (Oral)

Shri J. P. Sharma, M(J)

None is present on behalf of the applicant.

Shri V. S. R. Krishan is present on behalf of the respondents. Since this is an old matter, we propose to dispose of the same on merits.

2. The grievance of the applicant is that his services has been terminated w.e.f. 1.4.1989. The applicant was engaged only for casual work and not against regular post. Since the respondents did not have any work for the applicant of such occasional/seasonal nature, he was disengaged.

3. The contention of the applicant is that he has been in engagement with the respondents since 5.10.87 as daily rated casual worker. In this application filed on September 1989, the applicant has prayed that the

aforsaid order dated 1.4.89 be quashed with a direction to the respondents to reinstate the applicant in service with full back wages and continuity of continuity of service.

4. The respondents contested this application and stated that no junior to the applicant is working and the services of the applicant has been dispensed with as there was no work of seasonal nature where the applicant could ne utilised. It is further stated that Department of Personnel and Training issued a Memo dated 7.6.88 whereby the engagement of the casual labourer of seasonal nature have not been resorted to. Even in the case of the applicant, the Finance Division has not given any further sanction.


5. We have heard the learned counsel for the respondent, Shri V. S. R. Krishna. The applicant has worked from 16.10.87 to 29.2.88<sup>and</sup> from 21.4.88 to 31.3.89. The service being of casual nature depending on the nature of the work available, the applicant was ceased from service when he could not be utilised at any other place. The posting of the applicant was not on a regular basis and he was paid wages only on daily basis on the basis of work he has done as a daily rated casual labour. We do not find any reason to interfere with the order of termination as the principle of natural justice has not been violated nor there is any allegation of arbitrariness or

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discrimination as regards the termination of the applicant. Merely because the applicant has put in a number of days of work in a period of two years, would not, by itself, a ground to continue him to perform the duties on the post in which he was initially engaged. There is no case of discrimination that persons who have joined after him, have been retained. When there is no job requirement, no orders can be passed in the nature of mandamus or recommend<sup>-atory</sup> for reengagement of the applicant as daily rated casual labour.

6. The applicant was disengaged in April 1989 and about more than five years have passed.

7. In view of the above facts and circumstances of the case, we do not find any merit in this application and the same is dismissed as devoid of any merit. No costs.

  
(B. K. Singh)  
Member (A)

  
(J. P. Sharma)  
Member (J)

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