Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1867/89

New Delhi this the 6th Day of May, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)
Hon'ble Mrs. Lakshmi Swaminathan, Member(J)

Shri Khagendra Yadav,
S/o late Sh. Budhu Yadav,
R/o RZ-C/28-A, Mahavir Vihar,
Palam Village,
New Delhi. Applicant

(By advocate Sh. S.K. Bisaria)

versus

1. Union of India
through the Secretary,
Ministry of Finance,
(Central Board of Excise
and Customs),
New Delhi.

2. Addl. Collector of Customs,
Indira Gandhi International Airport,
New Delhi. Respondents

(By advocate Sh. M.K. Gupta)

ORDER(ORAL)
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

This application has been filed by Sh. Khagendra Yadav seeking regularisation of his services on the post of Photostat Operator/Gestetner Operator with effect from 1st August, 1983.

The applicant claims to have been appointed as Photostat Operator on daily wages with effect from 1.8.83. His appointment was confirmed by another letter dated 2.2.1984. He claims to have been working as a Photostat Operator ever since then. His case was recommended in November, 1984 by the Addl. Collector of Customs for regularisation in a suitable vacancy and again in June, 1985. He submitted representation and on 6.8.1987 he was informed

that he will be regularised as and when his turn comes. He also alleges that five of his colleagues who were junior to him have been regularised on different dates in 1989 ignoring his claim. He requests for a direction to the respondents to regularise his service as Photostat Operator in the regular scale with effect from 1.8.1983 with all consequential benefits including that of seniority.

In the counter filed by the respondents, the main averments are these. The applicant was engaged as a daily wager in the month of August, 1983 purely on casual basis for a short period on daily wage at the rate of Rs.11.60/- per day. After a break, he was re-engaged with effect from 4.2.1984. He was considered by the D.P.C. held on 6.9.89 for regularisation alongwith other candidates but was not recommended. Some of the casual labourers who were junior to the applicant were regularised as they were found fit by the D.P.C.

We have gone through the records of the case and heard the learned counsel for the parties. A perusal of the recruitment rules for the post of Gestetner Operator shows that the post which is to be filled 100% by promotion of Daftary (Ordinary Grade) with three years service in the grade and who can handle cyclostyling machine. It is clear from the order dated 2.2.1984 (Annexure-1) that the applicant was appointed as Loader, Farash and not as Gestetner Operator. Even though later he might have worked on the photostat machine, this does not change the nature of engagement. Our attention has been drawn to the Establishment Order No.122/90 dated 18.4.1990 by which services have been regularised with effect from 15.2.1990 as a Sepoy.

In the facts and circumstances of the case, we hold that the respondents have duly considered him and regularised him against a post of Sepoy. We have no doubt that after completion of the required period and according to seniority, he will be considered for the next higher post of Gestetner Operator.

The O.A. is dismissed with the above observations. No costs.

(LAKSHMI SWAMINATHAN)
MEMBER(J)

(B.N. DHOUNDIYAL)
MEMBER(A)

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