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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1970 & 1976 1989
T.A. No.

DATE OF DECISION 22-12-1989

Jeevan Prakash (OA No. 1970) Applicant (s)
Ravi Dutt (OA No. 1976)

M.P. Saxena Advocate for the Applicant (s)

Versus

Union of India & Others Respondent (s)

M.L. Verma Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. T.S. Oberoi, Member (J)

The Hon'ble Mr. I.K. Rasgotra, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y/S*
2. To be referred to the Reporter or not? *Y/S*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. To be circulated to all Benches of the Tribunal? *NO*

JUDGEMENT

(of the bench delivered by Hon'ble Mr. I.K. Rasgotra, Member (A)

The applicants, S/Shri Jeevan Prakash and Ravi Dutt, who were working in the Ministry of Food Processing Industries, Transport Bhavan, have prayed for directions being given to the respondents to regularise their service w.e.f. 9.10.1988 and 15.12.1988, respectively, as Peons, with ancillary benefits. Applicant No.1 has prayed for interim relief, by way of continuing in service, on the principle of last-come-first-go, while applicant No.2, has prayed for restraining the respondents, from dispensing with his service.

2. As both the applicants are daily wagers in the Ministry of Food Processing Industries, we have taken up both the cases together, for convenience. We also feel that both the applications can be disposed of, at this stage, since the matter related to the verification of the record, for the purpose of regularisation of the service of the applicants.

3. The learned counsel for the respondents was, therefore, directed on 17.12.1989 to produce the relevant records, on the subject, on the next date of hearing, i.e. 18.12.1989.

4. The learned counsel for the respondents has submitted a photocopy of the relevant muster roll in the case of daily rated workers and given a copy of the muster roll, to the learned counsel for the applicants.

5.1 The learned counsel for the applicants argued that the respondents should be directed to produce the daily attendance register and the Employment Register indicating employment of the applicants against regular vacancies of peon. He claimed that since they were appointed against regular vacancies and not against casual vacancies, the applicants have a right to be regularised in service. Besides, he claimed that the applicants had put in the requisite service of 206 days in each of the two years i.e. April-1988 to March-1989 and April-89, till the date the services of the applicants were terminated.

5.2 The applicants have also contended that some of the daily wagers, employed later than them, and who were attached to the Hon'ble Minister's office, have been regularised. The respondents have brought out in their counter that three daily wagers were appointed in the office of Hon'ble Minister of State for Food Processing Industries, on the formation of the Ministry, on a co-terminus basis.

The learned counsel for the respondents affirmed that there was no attendance register nor any other record maintained by the respondents in the case of daily wagers, except the muster-roll-cum-pay sheets. He also affirmed that no persons, employed later than ^{the date of} applicants, have been retained in service. The muster roll itself indicates the date from which the applicants have attended office and the date on which their services have been terminated.

6.1. After hearing the learned counsel for both parties and perusal of the record, we find that Shri Jeevan Prakash worked in the office of the respondents from October 19, 1988 to March, 1989, for 162 days in the first year and from April, 1989 to October, 1989 for 153 days in the second year.

6.2. Applicant No.2, Shri Ravi Dutt worked in the office of the respondents from 14.12.1988 to March, 1989 for 105 days and from April, 1989 to November, 1989 for 180 days.

6.3. In either case, the employment period falls short of 207 days in each year (5 days week) and, therefore, they are not entitled to the regularisation.

7. After having perused the record and heard the learned counsel for both the parties, we feel that there is no merit in the application for regularising the service of the applicant. Even the persons allegedly retained in service are said to be on the personal staff of the then Hon'ble Minister and were appointed on co-terminus basis, and hence, are on different footing. Accordingly, the applications stand dismissed. We, however, direct that the respondents should give preference to the applicants for employment against ^{other} outsiders, in any future vacancies.

The parties shall bear their own costs.

I.K. Rasgotra
(I.K. Rasgotra)
Member (A) 2/1/89

T.S. Oberoi
22.12.89
(T.S. Oberoi)
Member (J)