

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 902/1989 198  
T.A. No.

DATE OF DECISION 26-9-1989

Shri Ashok Kumar Sharma Applicant (s)

Shri R.K. Chauhan Advocate for the Applicant (s)

Versus

Union of India & Ors. Respondent (s)

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

CORAM :

The Hon'ble Mr. P.K. Kartha, Vice-Chairman

The Hon'ble Mr. Usha Savara, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
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

The applicant who has filed this application under Section 19 of the Administrative Tribunals Act, 1985, has prayed for quashing the termination of his service w.e.f. 29-2-1988 and that he be appointed on regular basis like some other employees who had also been similarly appointed on daily rated basis. The pleadings in this case are complete. We have heard the learned counsel for both the parties and have gone through the record carefully. In our opinion, the application can be disposed of at the admission stage itself.

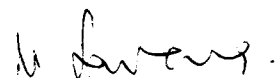
2. According to the applicant, he has worked for a period of four months w.e.f. 1st May, 1987 to 31st August, 1987 and for another period of five months w.e.f. 1-10-1987 to 29-2-1988. (vide Annexures A-2 and A-3 to the Application at page 11 and 12 of the paper book). The respondents have, however, stated that he was employed only w.e.f. 1-10-1987 and his services were terminated on 29-2-1988.

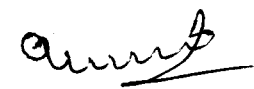
contd..

There is nothing on record to indicate that the applicant has worked for 240 days in each year for two years in order to lay any claim for regularisation. He has also not produced any rules or instructions to the effect that he is entitled to regularisation on the basis of the service put by him, as stated in the application.

3. As regards his contention that other persons similarly situated have been appointed on daily rated basis have been retained in service while terminating his services, the respondents have pointed out that he was not found fit and suitable for continuous employment due to his un-satisfactory conduct. An enquiry was held against him after giving him a show cause notice in regard to the alleged mis-conduct including the assault of a fellow employee. In the enquiry, he was found guilty of the charges levelled against him. In the circumstances, we do not see any reasons to interfere with the order passed by the respondents, regarding the termination of his service while retaining some other daily wage labourers.

4. We see no merit in the present application and we dismiss the same at the admission stage itself. The parties will bear their own costs.

  
( USHA SAVARA )  
MEMBER (A)

  
( P.K. KARTHA )  
VICE CHAIRMAN