

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2001/1938
T.A. No.

199

DATE OF DECISION 28.08.1990.

Shri Kashmiri Lal	Petitioner
None	Advocate for the Petitioner(s)
Versus	
Union of India	Respondent
Shri M.L. Verma	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K. CHAKRAVORTY, 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. Whether it needs to be circulated to other Benches of the Tribunal? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicant, who has worked as a Casual Labourer on muster roll on daily wages in the capacity of Electrician/Wireman filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that the respondents be directed to reinstate him in service with effect from 21.1.1985 with all consequential benefits.

2. There is divergence in the versions of the applicant and the respondents, as regards the period of service rendered by the applicant. The applicant has produced a copy of a certificate dated 25.11.1985 given by the Assistant Garrison Engineer, according to which, he had served in the office of the

respondents for about 3 years, with a technical break, on daily wages. It is further stated that he could not be offered a regular appointment as he had crossed the prescribed age limit.

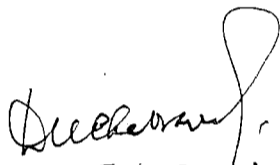
3. The respondents have, however, stated that he has worked as a Casual Labourer only for 25 days in 1984 and for 149 days in 1985. They have further stated that the name of the applicant has not been sponsored by the Employment Exchange as he was over-aged for appointment and he did not possess the technical/academic qualifications for regular appointment. His services were terminated as they were no longer required.

4. We have gone through the records of the case carefully and have considered the rival contentions. The case had appeared on the board for a number of days. When it was taken up for hearing on 10.8.1990, none appeared for the applicant. Shri M.L. Verma, the learned counsel appeared for the respondents. The applicant has not substantiated his ^{assertion} ~~assertion~~ that he has worked continuously for a period of 3 years before his services were terminated by the respondents. The applicant has challenged appointment of fresh persons after terminating his services, but he has not given the particulars in this regard. He has also not produced any evidence to show that he fulfils the qualification for appointment as Electrician under the relevant recruitment rules.

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5. In the facts and circumstances of the case, we are of the opinion that the termination of the services of the applicant cannot be faulted. The applicant is not entitled to any relief sought by him. We, however, direct the respondents to consider appointing the applicant as Electrician on daily wages in case they need the services of such persons in preference to outsiders. The application is dismissed with the aforesaid observations.

The parties to bear their own costs.


(D.K. CHAKRAVORTY)
MEMBER (A)
28/8/90


28/8/90
(P.K. KARTHA)
VICE CHAIRMAN (J)