

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A.No.386 of 1988

New Delhi, this the 15th day of March, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman.

Hon'ble Mr B.N.Dhondiyal, Member(A).

Shri Krishan Pal Singh S/O Shri Rohitash Balmiki,  
C/O A-489, Minto Road Quarters, New Delhi-110001.

... .. Applicant.

( through Mr T.C.Aggarwal, Advocate).

vs.

Union of India through Director General,  
All India Radio, Parliament Street, New Delhi.

.....Respondent.

( through Mr Jasbir Singh, proxy counsel for  
Mr K.C.Mittal, Advocate).

ORDER (ORAL)

JUSTICE S.K.DHAON, VICE CHAIRMAN

The applicant, a daily wager, has come to this Tribunal by means of this O.A. and has claimed the following reliefs:

- i) the respondent may be directed to take him on duty and also regularise his appointment; and
  - ii) the respondent may be directed to pay to the applicant on the basis of pay scale admissible to other Peons in the Department with benefit of liveries, bonus etc. so admissible to other regular employees throughout from the date of his initial appointment.
2. A counter-affidavit has been filed on behalf of the respondents. Rejoinder affidavit too has been filed. Counsel for the parties have been heard.
  3. The applicant has come out with the case that he had rendered service to the respondents for

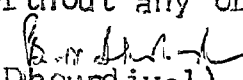
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more than 240 days in a particular year. He has also alleged that immediately after terminating his services, fresh daily wagers were appointed, and, therefore, termination of the services of the applicant was illegal and malafide. In the counter affidavit filed, it is averred that for the purpose of regularisation of a daily wager, the requirement is that such a daily wager should have put in 240 days of service in each year <sup>the</sup> of two consecutive years. Admittedly, the applicant has rendered service merely for 240 days in a particular year, therefore, the question of his being regularised does not arise. So far as the case of the applicant that immediately after the termination of his services, fresh daily wagers were appointed is concerned, the respondents have given a reply that it is true that daily wagers were re-engaged but since the number of daily wagers, who had worked earlier, was so large that it was difficult for them to choose persons for being given fresh engagement.

3. We take judicial notice of the fact that recently a scheme has been drawn up. According to this scheme, a daily wager currently employed on 1.10.1993 is entitled to be considered for being given a temporary status. Admittedly, the applicant was not currently employed on the said date, therefore, he cannot be given any benefit of the said scheme also.

4. It goes without saying that if and when necessity of engaging casual workers arise, the case of the applicant will also be considered alongwith others, if he is otherwise eligible.

5. With these observations, the application is dismissed but without any order as to costs.

  
(B. N. Dhoundiyal)  
Member (A)

  
(S. K. Dhaon)  
Vice Chairman