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In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No.: DA³1157/88

Date: 28.8.1992

Shri Joginder Pal Singh Applicant

Versus

Union of India & Ors. Respondents

For the Applicant Shri V.P. Gupta, Advocate

For the Respondents Shri M.L. Verma, Advocate

CORAM: Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Mr. B.N. Dhoundiyal, 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*

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

The grievance of the applicant, who has worked as muster roll casual Motorcump Attendant in the office of the respondents, relates to the termination of his services. He has prayed for his reinstatement with consequential benefits.

2. We have gone through the records of the case and have heard the learned counsel for both the parties. According to the applicant, he has worked from 10.6.1985 to 28.2.1987. The respondents have contested this and have stated that he has worked only for 194 days from 15.11.1985 to 29.1.1987. The applicant was disengaged from service on the ground that he was over-aged for

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regular appointment. According to them, there is no age restriction for recruitment of daily-wage employees. They have also stated that the applicant was not recruited through the Employment Exchange.

3. The applicant has contended that at the time of his engagement on 10.6.1985, he was within the prescribed age limit.

4. The applicant has filed MP-439/92 in which he has produced some additional documents, according to which, he has worked for 342 days from 13.12.1985 to 29.1.1987. On 3.2.1988, the Engineer-in-Chief, Army Headquarters, New Delhi, informed the Chief Engineer, Western Command, Chandigarh & Others about the decision of the Ministry of Finance to conduct trade Test of daily-wage employees and to recruit the qualified candidates, irrespective of the fact whether they were in possession of the requisite certificate of I.T.I./N.C.T., etc. The cut-off date from which consideration will stop, was 1.4.1985. It was further stated that "daily-wage employees who had completed 180 days in each year beginning from 1.4.1985, might be considered eligible for induction as fresh recruits against regular vacancies after passing the requisite trade test and provided they are within the prescribed age-limit and were sponsored through the Employment Exchange at the time

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of their initial appointment on muster roll".(emphasis added)

5. On 14.11.1987, the respondents issued a convening order, according to which, candidates who have I.T.I. qualification and have also rendered muster roll service in the Department, will not be subjected to the embargo of 180 days service with the department.

6. The applicant has submitted that he is a I.T.I. trained Electrician. He has furnished a copy of his I.T.I. certificate as Annexure-3 to the M.P. filed by him. He has contended that the respondents were bound to trade test him as he has worked on muster roll for more than 180 days and that he also possesses I.T.I. qualification. He has also submitted that at the time of his initial engagement, he had been sponsored through the Employment Exchange.

7. After hearing both the parties, we are of the opinion that the respondents should consider the suitability of the applicant for appointment as Motorpump Attendant or in any other capacity commensurate with his qualifications on regular basis and in accordance with the provisions of the convening order dated 14.11.1987 by calling him for an interview/test. In case, he is found fit for such appointment in regular post commensurate with his qualification and experience, in accordance with the provisions of the

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said convening order, he shall be appointed in a regular post. The respondents shall comply with the above directions as expeditiously as possible and preferably within a period of four months from the date of communication of this order. There will be no order as to costs.

B.N. Dhoondiyal
(B.N. Dhoondiyal) 28/8/82
Administrative Member

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(P.K. Kartha)
Vice-Chairman(Judl.)