

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 1248/87

Date of decision: 6-1-93

Onkar Singh

...Applicant

Versus

Union of India & Another

...Respondents

CORAM :

THE HON'BLE MR. JUSTICE V.S.MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R.ADIGE, MEMBER(A).

For the applicant

...None

For the respondents

Shri M.L.Verma, Counsel

JUDGMENT (ORAL)

(Hon'ble Mr. Justice V.S.Malimath, Chairman) :

As this is a very old case, we consider it appropriate to look into the records, hear the learned counsel for the respondents and dispose of the matter finally.

2. The petitioner has sought in this case an order of injunction restraining the respondents from terminating his services and a mandamus to regularise his services as labourer/workman in Group 'D' w.e.f. 15-7-86. The petitioner has alleged in his application that he was employed through the Employment Exchange and has completed more than 240 days in a year. He alleges that persons appointed later than him are being continued and he is being threatened of being terminated from service. It is in this background that he has sought the aforesaid reliefs.

3. The respondents have denied the assertion of the petitioner about his having served for more than 240 days in a year. They have stated that his engagement though made through the Employment Exchange was only as a daily labourer and that he was engaged for a total period of 90 days between 1-5-87 to 11-9-87. It is further stated that he came to be disengaged w.e.f. 12-9-87 for want of work. The petitioner has not placed any satisfactory material before us in support of his case that he was engaged for more than 240 days in a calendar year. There is no good reason as to why we should not accept the statement of the respondents that the petitioner has worked from 1-5-87 to 11-9-87 on a daily wage basis. That being the position, the respondents were entitled to disengage him w.e.f. 12-9-87 when there was no work for continuing the petitioner in service. Hence, the petitioner cannot challenge his disengagement nor can he claim his regularisation.

This petition ^{is} ~~is~~, therefore, fails and ^{is} ~~is~~ dismissed. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN