

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2343/90

NEW DELHI THIS THE 9TH DAY OF DECEMBER, 1994.

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.N.DHOUNDIYAL, MEMBER(A)

Shri Mahesh Kumar
S/o Shri Charan Singh
R/o Qr.No.3, Chhattarsal Stadium
Model Town,
Delhi-110001.

APPLICANT

NONE

VS.

1. The Director of Education
Delhi Administration
Old Secretariat
Delhi.

2. The Deputy Director of Education(Sports)
Delhi Administration
Chhatrasal Stadium,
Model Town
Delhi-9.

RESPONDENTS

NONE

ORDER(ORAL)

JUSTICE S.K.DHAON:

In main, two prayers have been made in this OA. The first is that the respondents may be directed to consider the claim of the applicant for regular appointment against a Group 'D' post by treating him to be in continuous service as a casual labour. The second is that the order terminating his services may be quashed.

2. The material averments in the OA are these. The applicant was employed as a casual worker from 3.10.1989 to 24.3.1990. His services were terminated whereas the services of one Shri Sukhram were regularised. This Sukhram was junior to the applicant. The names of certain other alleged juniors to the applicant are mentioned in para 4.3 of the OA.

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3. A counter-affidavit has been filed on behalf of the respondents. Therein the contents of para 4.3 that certain alleged juniors to the applicant have been retained and regularised in service have been denied. Furthermore, the respondents have put the applicant to strict proof.

4. In the rejoinder-affidavit filed, the contents of para 4.3 of the OA have been reiterated. No documentary evidence has been produced by the applicant in support of this assertion. On the contrary, it is averred that the records are in possession of the respondents and, therefore, they should be directed to produce the same. The respondents have pointed out in the counter-affidavit that the services of those casual labours who have put in 240 days in two consecutive years; who are medically fit; whose work is found to be satisfactory; and who are registered with the Employment Exchange are being regularised in the proper order. The averments made by the applicant do not make out a case of even completing 240 days' service in one year whereas the requirement is of completing 240 days in two consecutive years.

5. In our opinion, the applicant has not been able to substantiate the allegation that someone junior to him has been retained and regularised in service.

6. There is no force in this OA. It is accordingly dismissed. No costs.

B.N.DHOUNDIYAL
(B.N.DHOUNDIYAL)
MEMBER(A)
SNS

S.K.DHAON
(S.K.DHAON)
VICE-CHAIRMAN(J)