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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.2703/90

Dated this the 23rd of January, 1995.

Shri N.V. Krishnan, Hon. Vice Chairman 'A'

Dr. A. Vedavalli, Hon. Member 'J'

Mohinder Singh,
S/o Shri Jung Bahadur Singh,
R/o H-509, Kalibari Marg,
Near Birla Mandir,
New Delhi 110 001.

...Applicant.

By Advocate: None.

versus

1. Union of India through
Secretary, Ministry of
Information & Broadcasting,
New Delhi.

2. Director General,
All India Radio,
Akash bhani Bhawan,
Sansad Bhawan, New Delhi.

...Respondents

By Advocate: Shri M.K. Gupta.

O R D E R (Oral)

By Shri N.V. Krishnan

The applicant was engaged as casual labour under the 2nd respondent, Director General, All India Radio, New Delhi. It is stated that he was engaged through the employment exchange w.e.f. 21.8.90 till 10.12.90 and his service has been terminated from that date and replaced by fresh nominees from the Employment Exchange. It is stated that 3 fresh casual labour were recruited from the Employment Exchange w.e.f. 10.12.90, namely Sudan Singh, Rakesh Singh and Braham Singh. The applicant is aggrieved against the termination of his casual employment. He states he has completed 112 days of service and appointment of casual labours to his detriment is impugned. He seeks a direction to the respondents to cancel the order of termination dated 9.12.90 and for the issue of further direction to reappoint and regularise him.

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2. The respondents have filed a detailed reply in which it is stated that the applicant was engaged only for 3 months on muster roll after getting his name sponsored by the employment exchange, Kamla Market (Muster Roll). His engagement was only for a short period from 21.8.90 to 19.11.90 as would be evident from the temporary pass issued to him at Annexure-I.

3. In so far as 3 other employees are concerned, the respondents state that they were engaged for 3 months from 15.10.90 against another requisition made in the same employment exchange. It is stated that in terms of Department of Personnel and Training OM dated 11.7.1974, no casual labourer can be regularised in the services until and unless he has served for 480 days over a period of two years (Annex.R-1). In the circumstances, it is contended that this application has not merit.

4. A copy of the reply is stated to have been sent by registered post by the respondents. No rejoinder has been filed to this reply though the matter has been listed on a number of occasions in 1991. None is present on behalf of the applicant today. On 21.12.94 Shri B.S. Randhwa, learned counsel for the applicant was present.

5. We have considered the matter. Admittedly, the applicant was engaged only as a casual labour for a short time. He himself indicates that he had been engaged in all for 112 days. His claim that his service has been terminated and other casual labours have been engaged afresh has not been established by him. The names of 3 casual labours given

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have been referred to by the respondents in their reply, wherein, they state that applicant's casual engagement was only for 3 months and the three persons were engaged ^{w.e.f.15.10.90} against another requisition made to the employment exchange. Therefore, this is not the case of discharging the services of one casual labour by engaging fresh casual labour.

6. In so far as the service is concerned, he has not even rendered the minimum required service of 240 days which probably is the latest instruction of the Government in the subsequent circulars. In the circumstances, we do not find any merit in the OA and is dismissed. The interim order passed on 21.12.90 is hereby vacated.

Dr. A. Vedavalli

'DR.A.VEDAVALLI'
MEMBER 'J'

N.V. Krishnan
23.1.95

'N.V. KRISHNAN'
VICE CHAIRMAN 'A'

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