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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

D.A.No.484/1990

New Delhi, This the 5th Day of July 1994

Hon'ble Shri C J Roy, Member(J)

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Shri Narayan Dass
son of Shri Bhima Ram
aged about 24 years
r/o A.300 Pahar Ganj
Ram Nagar
New Delhi.

....Applicant

Shri J P Verghese, Advocate

Versus

1. Union of India
through its Secretary
Ministry of Information and Broadcasting
Parliament Street
New Delhi 110 001.

2. Director General
All India Radio
Akashvani Bhavan
New Delhi.

...Respondents

By Shri M K Gupat, Advocate

O R D E R (oral)

Hon'ble Shri C J Roy, Member(J)

1. This is an application filed by Shri Narayan Dass claiming that he worked from 1.12.89 to 28.2.90 as a casual labourer with the respondents. He claims that he was removed from service and 15 juniors were taken for the same work on which he was doing and thereby he claims that the principle of first come last go has not been honoured and he claims the relief that he should be put into service and regularised and also asks for any other orders under the circumstances of the case.

2. The applicant also filed a petition for interim order which was not granted.

3. The respondents filed the reply assailing the case of the applicant stating that the applicant himself

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is not regularly appointed and he has not served more than 90 days and the case is devoid of merits and it should be dismissed. Further they alleged that the applicant was engaged as casual labourer for a specific period and on the completion of the said specific period when his services were no longer required and hence dispensed with. They also admit that the applicant was sponsored by Employment Exchange like others. Since he is not a regular employee there is no necessity for issuing any order for his removal and therefore they claim that the petition should be dismissed. The applicant also filed rejoinder more or less asserting the same facts.

4. We have gone through the case and perused the records. The applicant has not even filed any evidence to show that he has worked for 90 days. But by way of implication in the reply it was found that he has worked for 90 days. Therefore the necessary implication would be that he has worked only for a specific period for a specific appointment as stated in the counter. Since the applicant has not filed any evidence to show that he has worked for 90 days the burden of proof lies exclusively on the applicant. Therefore, we see that he has worked for 90 days but he is not a regularly appointed employee and hence he is not entitled for any appointment.

5. Under the circumstances of the case not to quote as precedent we would like to dispose of the case with the following direction:-

"Respondents are directed to engage the applicant if there is work of similar nature on which he was working and if his juniors have been engaged, in preference to his case".

6. With this direction the DA is disposed of. No costs.

(P.T. THIRUVENGADAM)
Member (A)

LCP

(C.J. ROY)
Member (J)