

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA No. 2219/91

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Date of decision: 04.09.92

Miss Sushma Rani

..

Applicant

Sh. S.K. Bisaria

..

Counsel for the applicant

Versus

U.O.I.

..

Respondents

Sh. P.H. Ramchandani

..

Counsel for the respondents

CORAM

Hon'ble Sh. P.K. Kartha, Vice Chairman (J)

Hon'ble Sh. B. N. Dheundiyal, Member (A)

1. Whether the Reporters of local papers may be allowed to see the judgement ? *Yes*

2. To be referred to the Reporters or not ? *No*

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh. B.N. Dheundiyal, Member (A)

Miss Sushma Rani, who was working as General Assistant (Typist) with the All India Radio, Khempur, is aggrieved by the oral order of termination issued by the respondents on 10.1.91. According to the applicant, she was initially appointed as a General Assistant (Typist) by the Installation Officer, All India Radio (Khempur) by way of an oral offer of appointment w.e.f. 28.11.88. She was paid at the rate of Rs. 38.45 per day after the expiry of each month. She worked without break continuously from 28.11.88 till 10.1.91, i.e. more than 3 years.
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She alleges that she was deliberately kept as casual worker and her numerous representations to the concerned authorities for regularisation of her services were ignored. The post on which she was working is still vacant. She prays that the oral order of termination passed on 10.1.91 be quashed and directions be given to the respondents to grant her regular pay scale w.e.f. 28.11.88.

2. The respondents have stated that the applicant was engaged and designated as General Assistant (Typist) on 28.11.88 at All India Radio, Khempur by the Installation Officer on daily wages basis against the labour provision made in the Detailed Technical Estimates. She continued to work upto 10.1.91 when she abandoned the job at her own volition. The project has been completed and as such there is no work left on which the applicant may be engaged. There are no regularly sanctioned posts as the execution of the project is a one time exercise, like building of the bridge.

3. We have gone through the records of the case and heard the learned counsel for both parties. The learned counsel for the applicant has argued that the respondents have a large number of projects not only at Khempur, but at Nagi, Kingsway and other places and when work on one project is over other new projects are started. Thus, installation is an unending and continuous process. The Chief Engineer,

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North Zone is exclusively engaged in the installation and maintenance and has a large number of employees. A common seniority of the employees is required to be maintained by the respondents for all the projects under them. The respondents have taken two different stands i.e. the project has been completed and there is no work left and that the applicant abandoned the work voluntarily. In our opinion, the applicant has the limited right of being engaged as General Assistant (Typist) so long as the respondents need the services of such a person and in preference to persons with lesser length of service and outsiders.

4. In the facts and circumstances of the case, we dispose of the application with the direction to the respondents to consider engaging the applicant as General Assistant (Typist) if a vacancy exists or arises in the future and in preference to persons with lesser length of service and outsiders.

The parties will bear their own costs.

B.N. Dheu... 4/9/92
(B.N. Dheu diyal)

Member (A)

4/9/92
(P.K. Kartha)

Vice Chairman (J)

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