

In the Central Administrative Tribunal

Principal Bench: New Delhi

OA No. 2811/91

.. Date of decision: 5.02.93

Sh. Het Ram

.. Applicant

Versus

Union of India

.. Respondents

For the applicant

.. Sh. S.S. Tiwari with Sh. K.P. Dohare, Counsel.

For the respondents

.. Mrs. Raj Kumari Chopra, Counsel.

CORAM

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

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

1. Whether Reporters of local papers may be allowed to see the judgement? *No*

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

JUDGEMENT

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

This OA has been filed by Shri Het Ram, a muster roll mazdoor working with the Garrison Engineer (North), A.F. Palam, Delhi Cantt. against impugned order dated 12.11.1991 intimating that his case cannot be considered for regularisation as he has not completed 240 days of service.

2. The applicant was recruited as a Mazdoor on Muster Roll basis w.e.f. 19.11.84 and with a few breaks continued till 31.1.87 as per details given below :

19.11.84 to 10.12.84 .. 22 days

18.1.85 to 16.2.85 .. 25 days

29.4.85 to 19.5.85 .. 21 days

AN

12.6.86 to 15.7.86	.. 18 days
14.6.86 to 14.7.86	.. 25 days
16.7.86 to 13.8.86	.. 25 days
16.8.86 to 15.9.86	.. 25 days
18.9.86 to 16.10.86	.. 25 days
3.11.86 to 1.12.86	... 25 days
11.12.86 to 9.1.87	.. 25 days
21.1.87 to 31.1.87	.. 10 days
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Total	.. 246 days

He has appended certificates from different offices to show that he had worked for a total period of 246 days. Though in 1987 he was told that his name was being considered for employment as regular mazdoor and had submitted the necessary documents, he was not regularised. Four persons, who were junior to him were, however, regularised and are now working as permanent employees of M.E.S. On 7.11.91 he submitted clarification regarding muster roll numbers and periods of service. The impugned letter dated 12.11.91 denies him the right of regularisation on the plea that he has not completed 240 days. He has prayed for the following reliefs :

- (a) Set aside and quash the impugned order of rejection dated 12.11.91;
- (b) Direct the respondents to regularise his services; and
- (c) Pass any other orders/s as may be deemed just and proper.
- (d) Award costs.

3. The interim order passed by this Tribunal on 27.11.91 and modified on 11.12.91 directs the respondents to consider engaging the applicant as Casual labour on muster roll if vacancy exists, in preference to his juniors and outsiders. The order continues till date.

4. The respondents have stated that these mazdoors were being employed for specific periods on daily wages to cope up with the inescapable maintenance of the Defence installations. Though the applicant did work on muster roll during different periods, he did not fulfil the pre-requisite condition of rendering 240 days of service after being sponsored by the Employment Exchange. The certificates appended by him have been issued by various officers in their personal capacity and in the absence of muster roll numbers or file numbers cannot be taken as authentic. None who had not completed 240 days service has been regularised.

5. We have gone through the records of the case and heard the learned counsel for the parties. It would be grave injustice to the applicant if he has actually worked for 246 days but is denied opportunity to be considered due to lack of verification. We, therefore, direct the respondents to give the applicant one more opportunity to prove the length of his service and if necessary to ascertain the facts from the various Units where he claims to have worked. Meanwhile, he may continue to be considered for engagement as casual labourer on muster roll if vacancy exists, in preference to his juniors and outsiders. The interim order passed on 11.12.1991 is hereby made absolute.

There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 5/453

Member (A)

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5/453
(P.K. Kartha)

Vice Chairman (J)