

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 3072/1991

Date of decision: 07.08.1992.

Shri Sunder Lal

...Applicant

Vs.

U.O.I. through the Secretary,
Department of Biotechnology and
Another

...Respondents

For the Applicant

...Shri D.P.
Avinash, Counsel

For the Respondents

...Mrs. Raj Kumari
Chopra, Counsel

CORAM:

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

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

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

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

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

We have gone through the records of the case and
have heard the learned counsel of both parties. The
applicant has worked as casual labourer in the office
of the respondents in two spells - from 5.6.1990 to
31.12.1990 and from 3.7.1991 to 31.12.1991. Thereafter,
his services were terminated by the respondents. The
applicant has stated that after terminating his services,
the respondents have engaged fresh recruits as casual
labourers. He has given a list of such persons at pages
12 to 17 of the paper book.

d

2. The case of the respondents is that the applicant had been engaged as a casual labourer at the construction site of a Plan Project, i.e., the International Centre for Genetic Engineering and Biotechnology (ICGEB) which was to be completed by July, 1992 as per the construction schedule. As the construction work was over, the respondents did not require the services of the applicant and he was disengaged with effect from 31.12.1991. They have denied that any fresh recruits have been engaged after disengaging the services of the applicant.

3. In our opinion, the applicant has not developed any right to continued engagement as a casual labourer if the respondents have no work in which he could be engaged. The applicant has not relied upon any administrative instruction issued by the respondents, according to which, he is required to be regularised. The names of persons mentioned at pages 12 to 15 of the paper book are of the persons sponsored by the Employment Exchange along with the name of the applicant. There is nothing on record to indicate that the others have been retained in service while terminating the services of the applicant.

4. In the light of the foregoing, the applicant is not entitled to the relief sought by him except to the extent that the respondents shall consider engaging the applicant

0

(8)

as casual labourer in case any vacancy arises in future and in preference to persons with lesser length of service and outsiders. We order and direct accordingly.

5. The application is disposed of on the above lines. There will be no order as to costs.

B.N. Dholiyal
(B.N. DHOUDIYAL) 7/8/92
MEMBER (A)
07.08.1992

7/8/92
(P.K. KARTHA)
VICE CHAIRMAN (J)
07.08.1992

RKS
070892