

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

HON. SHRI R.K. AHOOJA, MEMBER 'A'

O.A. NO. 1330/1992

10

NEW DELHI, THIS 11TH DAY OF MARCH 1997

1. ASHOK KUMAR
S/o Sh. Bishamber Singh
38/5 Pushap Vihar, Sector I
Saket, NEW DELHI
2. SHRI RAKAM PAL
S/o Sh. Raghubir
C-2/98 Road No.3,
Andrews Ganj
NEW DELHI
3. SHRI OM VIR
S/o Sh. Giri Raj
Jhuggi No.308
Kali Bari
NEW DELHI
4. SHRI SUBHASH CHAND
S/o Sh. Kalyan Singh
16/318 Kalyan Puri
NEW DELHI

...APPLICANTS

'By Advocate - None'

VERSUS

1. Ministry of Home
through its Secretary
NEW DELHI
2. Department of Electronics
Electronics Niketan
CGO Complex
NEW DELHI
3. Dy. Director
Department of Electronics
Lok Nayak Bhawan
NEW DELHI

..RESPONDENTS

'By Advocate - Shri P.H. Ramchandani'

ORDER 'ORAL'

The applicants, four in number, are aggrieved that though they have rendered service as Casual Labour 'CL' on daily wages with the respondents for nearly a year apart from

...2/-

the technical breaks and have rendered more than 240 days service in a year, their services have been dispensed with and the respondents propose to appoint fresh persons from outside in their place. They seek a direction that their services be not terminated and they should be allowed to continue with all monetary and consequential benefits, their services be regularised and they be paid salary of regular employees group 'D' posts.

2. The respondents in reply admit that the applicants were engaged as C.L. for various periods. They submit that the Department of Electronics was earlier located in 5 different places. After it was moved to the Electronics Niketan in CGO Complex, ^{efforts} ~~consultations~~ were made by the Department to get the work done in a more rational basis with the help of regular staff and hence there was no need for engaging the applicants as casual labourers.

3. An M.A. No.932/94 was filed by the applicants alleging that the respondents had issued letters to certain outsiders for consideration as regular class IV employees and that the applicants had not been considered nor called for such regularisation. When the matter had come up on 11.4.1994, a direction was given to respondents that in case they were recruiting regular candidates for group D posts, they shall also consider the applicants in accordance with law along with other candidates

4. Today when the matter came up, the ld. counsel for respondents produced a copy of letter dated 11.3.1996 addressed to him from the Department of Electronics. In this letter, it is stated that all the four applicants were considered for regular appointment and the first applicant, viz., Shri Ashok Kumar, ~~was~~ shown to have been selected and appointed as Peon

12

w.e.f. 16.3.1995 on the basis of order dated 24.3.1995. A copy of that order has also been annexed. In respect of the remaining three applicants S/Shri Ratan Pal, Om Pal and Subhash Chand, it is stated that they were also called for written test and interview vide letter dt. 5.9.94 but ultimately they were not allowed to appear as they did not have the minimum educational qualification of Middle Standard pass 'copy of RRs also annexed'. In view of this disability, they could not be considered for regular appointment.

5. I have considered the matter carefully. In view of the fact that all the four applicants were considered by the respondents and one of them has already been regularly appointed, the applicants no longer have any reason for their grievance. The respondents state that the remaining three applicants could not be considered as they lacked the essential educational qualifications of Middle Standard. ~~Thus~~ The applicants have no claim for regular appointment d'hors the Recruitment Rules. In view of this, the O.A. is dismissed giving liberty to the applicants whose services have not been regularised that in case they are not satisfied with the grounds adduced by the respondents for rejecting their case, they can agitate the matter further in accordance with law, if so advised. No costs.


'R.K. AHUJA'
MEMBER 'A'

/avi/