

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2839/92

New Delhi this the 12th day of March 1997

(7)

Hon'ble Mr Justice K.M. Agarwal, Chairman
Hon'ble Mr N. Sahu, Member (A)

Smt Kamala Rani
W/o Sh. Tulsi Das
R/o H.No.517-A Gali No.5
Vijay park
Mojpur, Delhi - 53.

...Applicant

(By advocate: Shri Yogesh Sharma)

Versus

Union of India through

1. The Secretary
Ministry of Defence
New Delhi.
2. The Jr. C.D.A. (P)
Ministry of Defence
Delhi Cantt.
3. The D.P.D.O.
Ministry of Defence
Sonipat (Haryana).

...Respondents.

(By advocate: None)

O R D E R (oral)

Hon'ble Mr Justice K.M. Agarwal, Chairman

The learned counsel for the applicant is heard.

It appears from the document filed as Annexure A-1 that the applicant was only a casual labourer and that she was discharged from service as such w.e.f. 27.10.92 by the impugned order. A counter has been filed but no one appeared when the case was called. In reply to para 4.2, the respondents have said that the applicant was not engaged as peon cum water lady but admitted that she was engaged as a casual labourer on daily wages only for a period of 89 days. In so far as regularisation of casual labourers was concerned, respondents

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have stated in their counter that they were governed by the circular dated 21.3.79 and stated that unless the individual under consideration worked for at least 2 years as casual labourer or at least put in 206 days or more service as casual labourer during each of the two years of service, she could not be regularised. Here we find that the applicant could not and did not fulfil the requirements of the circular referred to in para 4.2 of the counter and, therefore, no such relief as prayed for by her in the application can be granted to her.

2. In the result, this application is hereby dismissed, but on humanitarian grounds, we suggest that the respondents shall try to find out some alternative employment for the applicant so as to enable her to earn her bread and butter. We further hope that if any vacancy is existing on the date of this order or on the date when a copy of this order is served on the respondents, they shall communicate with the applicant and give her employment if possible.

K.M. Agarwal
(K.M. Agarwal)
Chairman

N. Sahu
(N. Sahu)
Member (A)

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