

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

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OA No. 110/92

Date of decision: 29.01.93

Sh. Roop Chand

Applicant

Versus

Union of India and Others

Respondents

Sh. S.S. Tiwari

Counsel for the applicant

Sh. T.K. Sinha

Counsel for the respondents

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 *Yes*
2. To be referred to the Reporters or not *Yes*

J U D G E M E N T

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

The applicant in this OA Sh. Roop Chand is aggrieved by the order dated 6.11.91 passed by the Commander Works Engineer (AF) Palam declining regularisation of his services.

2. The applicant's name is registered in the Delhi Cantt Employment Exchange for the occupation of labour w.e.f. 18.12.84. He was sponsored *by* by the Employment Exchange from time to time to work under the respondents and between October 1985 to January, 1987. He has worked for 271 days excluding weekly offs and holidays. On 9.1.87, his engagement was terminated on verbal orders. He was called for an interview on 24.3.87 for regularisation but no orders have been issued so far. On learning that his juniors have been given such appointment, he made a representation on 8.10.91 and vide the

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impugned order dated 6.11.91 he was informed that he could not be considered for regular appointment as he had not completed 240 days after ^{being} sponsored by the Employment Exchange. He has prayed that the impugned order dated 6.11.91 may be quashed and the respondents be directed to consider and give him regular appointment.

2. On 17.1.92, this Tribunal had passed an interim order directing the respondents to consider engaging him as casual labourer so long as they need the services of the casual labourers and in preference to his juniors and outsiders. This order has been extended till date.

3. The respondents have stated that the applicant has served only for 97 days as verified by the Audit authorities, who are custodians of Muster Rolls. As he did not fulfil the requisite conditions of rendering 240 days of service after being sponsored by the Employment Exchange, he cannot be considered for regularisation. He was engaged for specific periods and purely on daily wages basis and his services were automatically terminated on expiry of the stipulated period. The letter dated 17.3.87 calling upon him to produce the required documents did not indicate any commitment of absorbing him into regular establishment.

4. We have gone through the records of the case and heard the learned counsel for both parties. Though the applicant claims that he had worked for 271 days, the respondents have verified his service for 97 days only. As the variation is quite significant and will affect the future prospects of the applicant, it is necessary that he should be given an opportunity by the respondents to prove the correct period of his services from the available records and if necessary, ^{from} the reports from the Units ^{where} he claims to ^{have} served. If on such verification, it is found that he has worked for 240 days, he shall be entitled to be considered for regularisation irrespective of the fact whether such services were rendered before or after being sponsored by the Employment Exchange. We order and direct accordingly.

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Meanwhile, he may be given preference for engagement as casual labourer over his juniors and outsiders subject to availability of work.. The interim order passed on 17.1.92 is hereby made absolute.

There will be no order as to costs.

B. N. Dhoundiyal
(B.N. Dhoundiyal 29/1/93.

Member(A)

P.K. Kartha
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Vice Chairman(J)

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