

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No.132/93

Date of decision: 2.9.93

(9)

Shri Vijay Kumar Sharma ... Petitioner

vs.

Union of India through
Ministry of Agriculture,
& ors. .. Respondents

For the Petitioner .. None.

For the respondents .. Ms.K.Iyyar, proxy counsel
for Sh. Manoj Chatterjee,
counsel.

CORAM:

THE HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN
THE HON'BLE MR.B.N.DHOUNDIYAL, MEMBER(A)

JUDGEMENT(ORAL)
(BY HON'BLE MR.JUSTICE S.K.DHAON, VICE CHAIRMAN)

On 23.4.1993, the petitioner was allowed time till 29.4.1993 for filing a rejoinder-affidavit. On 9.7.1993, the Deputy Registrar granted time to the petitioner to file the rejoinder-affidavit on or before 9.8.1993. No rejoinder-affidavit has been / so far. We are not inclined to grant any further time to the petitioner for filing the rejoinder-affidavit.

2. The material averments in the OA are these. The petitioner was appointed as casual worker in the Indian Agricultural Research Institute (Institute) in April, 1987. Since then he has been working in the Institute. The prayer, in substance, is that the respondents be directed to consider the case of the petitioner for regularisation. The prayer further is that the alleged order terminating the services of the petitioner may be quashed.

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3. A counter-affidavit has been filed on behalf of the respondents. In it, the material averments are these. The petitioner worked for brief periods in different divisions of the Institute. He did not continue to work in the Institute from 1987 onwards. From 13.4.87 to 1.7.1987, he worked for 80 days. During the months of August - September, he worked for 40 days. During the months of September-October, 1987, he worked for 38 days including Sundays and holidays. After October, 1987, the petitioner did not work as a daily paid worker in the Institute. The petitioner at no stage completed 240 days of service during a particular year. He is, therefore, not entitled to the reliefs claimed. The OA is also barred by limitation.

4. We have already stated that no rejoinder-affidavit has since been filed. In the absence of any rejoinder-affidavit, we have no option but to accept the averments in the counter-affidavit as correct. Obviously, the petitioner has failed to demonstrate that he has either worked for 206 days or 240, as the case may be, in the Institute during two consecutive years. Even for attracting Section 25F of the Industrial Disputes Act, a workman has to demonstrate that he has put in 240 days of service during one particular year. There is no substance in this OA. It is accordingly dismissed.

5. There shall be no order as to costs.

B.N. DHOUDIYAL
(B.N. DHOUDIYAL)
MEMBER (A)

S.K. DHAON
(S.K. DHAON)
VICE-CHAIRMAN