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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. No. 2303/93

25-11-93.

THE HON'BLE MR.J.P. SHARMA, MEMBER (J)
THE HON'BLE MR. B.K. SINGH, MEMBER (A)

Navratan Kumar,
S/o Shri Chander Prakash Sharma,
C/O Shri P.N. Upadhyaya,
Sector 2, 638 Sadik Nagar,
New Delhi.

... Petitioner

(By Advocate Shri B.N. Bhargava)

Vs.

Union of India through
The Secretary,
Govt. of India,
Ministry of Home Affairs,
Dept. of Controller of Accounts,
New Delhi.

The Senior Accounts Officer,
National Security Guard (M.H.A),
XI Floor, Prayavaran Bhawan,
C.G.O Complex, Lodi Road,
New Delhi

... Respondents

(By Advocate Shri P.P. Khurana)

O R D E R (Oral)

Hon'ble Mr. J.P. Sharma, Member (J)

The grievance of the applicant is that he was working as a casual labour with Respondent No. 2 in the Hot Weather from April to September or October but not allowed to work even thereafter even though there was work available for him. It is further stated that the applicant was first engaged on 13.6.1991 and continued to work upto October, 1992. He was again engaged in May 1993 and was told that his services will be discontinued from October 1993. He filed the present application on 29.10.1993 wherein an interim relief was granted in his favour that the respondents shall not interfere with the working of the petitioner as casual labourer. That interim relief

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(6)

continued till the date of hearing. A notice was issued to the respondents and in the reply they have continued the engagement of the applicant from 13.6.1991 to October, 1993 only during the summer season and he continued to work till 29.10.1993 with a break of one day on 10.8.1993. He has put in only 151 days of work and he is not covered with the O.M. dated 10.9.1993.

We have heard the learned counsel at length and have gone through the record. The applicant has also filed certain annexures to the applications to show that he has also worked earlier. In the face of denial by the respondents, the general certificate issued on 8.7.1992 is contrary to the other certificate issued on 13.10.1993 (Annexure A3 and A5), issued in July 1993 certifying that the applicant is working as casual labour on daily wages from 14.5.1992 to date. We have heard the learned counsel of the parties at length and have gone through the record of the case. The certificate in question cannot be accepted in the light of the counter filed by the respondents regarding the period the applicant has been engaged as a daily wager as a casual labourer. It is the case of the respondents that he was engaged only in the summer season for filling up of water etc. This does not give any right to the applicant to continue in the employment when the work for which he was engaged was no more required to be performed. The learned counsel for the respondents has also placed before us the judgement delivered by the Principal Bench in OA No. 1476/93 decided on 21.10.1993. That was also a case of two of the petitioners who were engaged as casual workers as hot

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weather water man. Their applications were disposed of that the petitioners of that case will apply well within time to the respondents so that their case may also be considered for engagement as hot weather water men and their cases are to be considered alongwith others who have been sponsored by the Employment Exchange.

We have gone through the Circular No. 10.9. 1993 where it is laid down that at least the minimum engagement would be for a required number of days in a year. The temporary status will be conferred on all casual labourers who are in employment with the respondents on 10.9.1993 if they have put in 206 days of work in the office observing five days a week and 40 days of work in the office observing six days a week. The case of the applicant is not covered under this scheme.

The applicant could not, therefore, make out a case to continue as a casual labourer without the work available for him. Further considering the whole matter, we direct that the respondents will engage the applicant for the summer weather season if the work is available keeping in account the seniority he has earned in the department getting preference over others similarly placed as well as sponsored persons from the Employment Exchange. The application is disposed of accordingly.



(B.K.Singh)

Member (A)

Mittal



(J.P.Sharma)

Member (J)