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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.2398/93 ✓
C.P.No.6/94

New Delhi this the 18th Day of February, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Sh. Ajab Singh,
S/o Sh. Sahab Ram,
R/o B-81, H.P.L. Staff Colony,
Jangpura, New Delhi.

Petitioner

(By advocate Sh. Mohd. Abid)

versus

Union of India,
through the Chairman C.W.C.
& Ex Officio Secretary Govt.,
Sewa Bhavan, R.K. Puram,
Delhi-110 066.

Respondent

(By advocate Sh. P.P. Khurana)

delivered by ^{ORDER(ORAL)} Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The applicant is a casual worker. He has come out with an allegation that from 10.9.1991 to 30.9.1992 he has rendered service with the respondents continuously and thereafter he was disengaged.

The prayers in the O.A. are these. This Tribunal may direct the respondents to give employment to the applicant who had been working as a casual worker in the office of Sub-Divisional Officer, Central Water Commission, New Delhi since 10.9.1991 with one forced break in service. Further, the Tribunal may direct the respondents to follow the guidelines and scheme laid down by the government with regard to the employment of casual workers in the various Ministeries/Departments.

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Annexure A-1 to the O.A. is the office memorandum dated 10.9.1993. To that memorandum, a scheme which has come into effect from 1.9.1993, is annexed. This scheme clearly provides that it would be applicable to those casual workers who had put in service of atleast 240 days (206 days in case of offices observing 5 days a week).

In the counter-affidavit filed, it has been demonstrated that the petitioner has in fact not rendered service for 240 days or 206 days, as the case may be, during one year. On our direction, the relevant record has been produced. We have perused the record and we find that the averments made in the counter-affidavit are correct.

The learned counsel urged that in any view of the matter, we should issue a direction to the respondents to give a fresh engagement to the petitioner and while doing so he should be given preference over his juniors and outsiders. In the counter-affidavit filed, it is stated that the work of the petitioner was found unsatisfactory and he, in fact, disobeyed the orders of his superiors. In support of this assertion, a true copy of the report of JE-I dt 2.9.1993 has been filed. Furthermore, a true copy of another report dated 5.10.93 of the JE-I has also been filed. The original has been produced before us. To counter this arguments, the learned counsel pointed out that on 5.10.1993, the petitioner had made a complaint to the higher authorities against the Deputy Director concerned.

The counter-affidavit has been verified by the Deputy Director himself. From the material on record, we are not in a position to record a finding that the version given by the respondents in the counter-affidavit is incorrect. This application has no substance. It is rejected.

No costs.

CP-6/94

The complaint in this application is that the interim order passed by this Tribunal on 16.11.93 has been observed in its breach.

In view of the fact that we have dismissed the O.A. itself by an order of date, we feel that no useful purpose will be served in pursuing this contempt petition.

The notices issued to the respondents are discharged.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
Member (A)

S.K. Dhaon
(S.K. Dhaon)
Vice-Chairman

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