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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
N.DELHI.

D.A.NO. 442/93

Date of decision: 14.5.1993

Durvesh Kumar.

... Petitioner.

Versus

The Secretary,
Ministry of Information and
Broadcasting,
New Delhi & Anr.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN(J).
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioner.

Shri T.C. Aggarwal, Counsel.

For the Respondents.

Mrs Raj Kumari Chopra, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice S.K. Dhaon,
Vice Chairman(J))

Two prayers worth taking notice have been made in this application. The first is that the respondents may be directed to regularise the petitioner as Class IV employee. The second is that Respondent No. 2 may be restrained from terminating the services of the petitioner.

2. A counter affidavit has been filed. The material averments in the same are these. The Directorate of Advertising and Visual Publicity is a Media Unit of Ministry of Information and Broadcasting. Each year this Directorate distributes new year diaries and calenders to various offices which work generally lasts 2-3 months i.e. from the month of December to the February of the succeeding year. For the said purpose, some daily wage workers are employed through the Employment Exchange for a short

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period of 2-3 months. From 15.12.1992 to 26.2.1993, 15 daily wage workers were employed through the Employment Exchange.

The petitioner was one of the said persons so employed. However, in paras 4.2 and 4.3 of the counter affidavit, it is stated that the petitioner was engaged in the respondent's organisation only from 22.9.1981 to 7.3.1984 and from 16.7.1984 to 18.1.1985 as Chowkidar, Packer etc. on daily wage basis and thereafter he was discontinued. The reason given for discontinuing the services of the petitioner was that a fire broke out in the garage of Exhibition Van when the petitioner was working, causing a huge loss to the Government property and, on the basis of an ex parte enquiry, he was discontinued from service on the charge of negligence of duty. There is no assertion that any enquiry was held wherein the petitioner was given any opportunity to defend himself.

3. It appears to be the petitioner's own case that he did not take any action after his discontinuance from service in the year 1984. Thus, it is clear that the petitioner cannot take advantage of the past service rendered by him for the purpose of regularisation of his services. There is a long hiatus between 1984 and December, 1992. He was not given any regular appointment. He was only appointed for a short period of 2-3 months. Therefore, the question of regularising his services does not arise.

4. The question still remains whether the petitioner is entitled to any relief from this Tribunal. He having worked from 1981 to 1985, his past services cannot be ^{wiped} washed off

altogether. If in future, a vacancy occurs or a need arises for employing a casual labourer, the authority concerned shall consider the case of the petitioner and give him preference over persons junior to him and also over freshers. We are not inclined to accept the contention of the learned counsel for the petitioner that some persons allegedly junior to the petitioner have been employed and a direction should be issued to the respondents that he (the petitioner) may be given employment straightaway. The interim order dated 23.2.1993 is vacated.

5. With these directions, this petition is disposed of finally with no order as to costs.

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(S.R. ADIGE)
MEMBER(A)

S.K. Dharon
(S.K. DHARON)
VICE CHAIRMAN (J)

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