

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.786/93

Date of decision: 28.07.1993.

Shri Budh Ram Applicant
versus
Union of India & Ors. Respondents

Coram:-

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

For the applicant : Sh. V.P. Sharma, counsel
For the respondents : Sh. P.P. Khurana, counsel

JUDGEMENT(ORAL)

(delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

The applicant, Sh. Budh Ram is working as a casual labourer in C.G.H.S. and claims regularisation of his services in accordance with the scheme of regularisation of casual labourers against group 'D' post issued under O.M.No.49014/18/84-Estt.(C) dated 7th May, 1985 on the basis that he has worked for 206 days under the Govt. of India.

Counter-affidavit has been filed by the respondents. In it, it is stated that the applicant has been working with them only from 4.5.1992 and hence he is

7

not eligible to be appointed against group 'D' post as he has not worked for 2 years as casual labourer atleast 240 days of service during each of the two years as provided in para 2.2 of the aforesaid O.M.

We have heard the learned counsel for the parties. The learned counsel for the applicant contended that even if his service in the other departments is not taken into account, the applicant has been working continuously with the C.G.H.S. since 4.5.92 and hence he is eligible for regularisation under the scheme. The learned counsel for the respondents argued that he is continuing under the protection of this Tribunal's order dated dated 13.4.93.

Under the circumstances, the only relief to which the applicant is entitled to is that he shall be continued to be engaged as long as there is a vacancy and in preference to his juniors and outsiders. The O.A. is disposed of with these observations. There will be no order as to costs.

B.N. Dhundiyal
(B.N. Dhundiyal)

Member(A)

S.K. Dhaon
(S.K. Dhaon)

Vice-Chairman