

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 567 of 1996

Allahabad this the 05th day of March, 2001

Hon'ble Mr. S.K.I. Naqvi, Member (J)
Hon'ble Maj.Gen.K.K. Srivastava, Member (A)

Bhim Singh, Son of Late Swaroop Singh, resident of
Quarter No. P-1-D Railway Colony, Bareilly(Junction),
Bareilly.

Applicant

By Advocate Shri Shrish Chandra

Versus

1. Union of India through Development Commissioner (Handicrafts), West Block No.7, R.K. Puram, New Delhi.
2. Regional Director, Office of Development Commissioner(Handicrafts), Central Region, B-46, Mahanagar Extension, Lucknow.
3. Assistant Director, Office of Development Commissioner(Handicrafts), Carpet Weaving Training Cum Service Centre, 23, Indra Nagar, Bareilly.

Respondents

By Advocate Shri Amit Sthalekar

S_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

It was on 06.6.1983 that the applicant was appointed as daily wage Chowkidar in the respondents establishment. On 30.4.1987, he was transferred to Dehradun, and right from 15.6.1988 -the applicant v

disengaged, for which he filed O.A.No.561/89 which was decided on 08.4.94 with the direction to the respondents to decide the representation of the applicant by passing speaking and reasoned order within a period of 3 months from the date of communication of the order. Consequent thereto, the applicant was re-appointed at Lucknow w.e.f.04.7.94 but, without any order with reference to representation. It was on 10.5.1995 that he was transferred to Bareilly where he came to know the seniority list dated 22/24-3-1995, according to which he has been placed at bottom keeping 11 others above him. As per applicant's case those who have been placed above him, are junior in accordance with length of service. In para-17 of the O.A., the applicant mentioned the names of those who were engaged subsequent to him but, have been placed above him on the seniority list. It is also a grievance of the applicant that his services have not been regularised and, therefore, he has come up for the redressal.

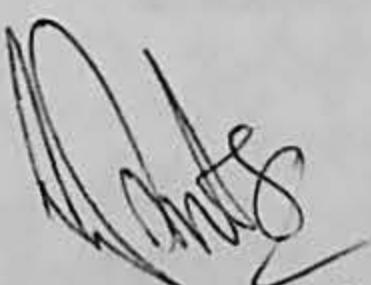
2. The respondents have filed the counter-reply with the mention that the applicant has been placed in the seniority list according to his position in the seniority and no junior to him has been preferred against his case. It has also been mentioned that when the vacancies available, and applicant is found fit, as such, his services will be regularised.

3. Heard the learned counsel for the parties and perused the record.

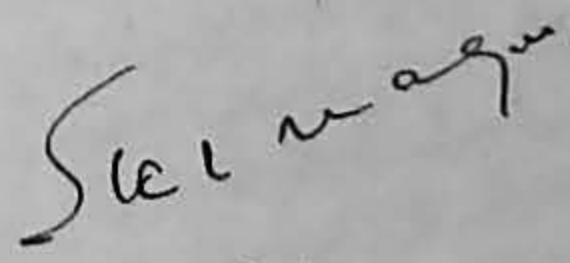
4. We findare of the view that main centre-versy in between the rival contention is the criteria to compute the seniority. The applicant takes his seniority from the date of his initial appointment i.e. 06.6.1983 till the relevant dates, whereas the respondents have a case that for daily wagers the seniority is computed in accordance with the days they have worked and those who have been mentioned by the applicant to be junior to him and preferred above him in the seniority list, have actually put in more working days than the applicant and could have an opportunity to have an edge over the applicant during 1988-1994 when the applicant remained disengaged.

5. We find the legal position is quite clear that the seniority of the daily wager is computed according to the days they worked and not for the period during which they were engaged irrespective of the working days.

6. For the above, we find no merit in the O.A. and decide the same with the direction to the respondents to take care that whenever the applicant is ^{found fit} entitled for regularisation and service benefit, the same be allowed to him as per rules. No order as to costs.


Member (A)

/M. M. /


Member (J)