

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1184 of 1998

Allahabad this the 13th day of May, 2002

Hon'ble Mrs. Meera Chhibber, Member (J)

Atar Singh Son of Ram Ratan, Resident of Village
and Post Mewarhala, Via Roorkee, District Hardwar.

Applicant

By Advocate Shri A. Pathak

Versus

1. Union of India through Secretary to Govt. of India, Science and Industrial Research, New Delhi.
2. Council of Scientific and Industrial Research Anusandhan Bhawan, Rafi Marg, New Delhi through its Secretary.
3. Director, Central Building Research Institute Roorkee, District Hardwar.

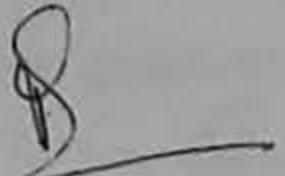
Respondents

By Advocate Shri V. Swaroop.

O R D E R (Oral)

By Hon'ble Mrs. Meera Chhibber, Member (J)

By this O.A. the applicant has sought for regularisation as well as absorption as and when vacancy arises in view of the fact that he has worked with the respondents from July, 1984 to 1986 as class IV employee in the various Laboratories/Institutions of respondent no.3 and there has never been any...pg.2/-



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complaint against the work and conduct of the applicant. It is stated by the applicant that he was ^{even} called for the interview held on 15.01.1986, but was not given the regular appointment. He is claiming relief on the basis of scheme dated 06.12.1995 notified by the respondents.

2. The O.A. has been contested by the respondents by stating that the O.A. is barred by limitation and is liable to be dismissed on this very ground and even otherwise the applicant has not completed 240 days in any of the year he worked with the respondents. It was stated that the applicant was last given the work on contract basis till 31.08.86 and since the services of the applicant was not required for any other project, hence no work was given to him after 31.08.86. They have stated categorically that the applicant worked only for 88 days in the year 1984 and 78 days in the year 1986. Therefore, he is not entitled for any relief claimed by him because he ^{is} has not covered under the scheme notified by the respondents, which was prepared by the respondents on the direction of the Judgment given by the Principal Bench in the case of Shiv Prakash Tyagi and Others on 22.11.1991. The respondents have admitted that the applicant was called for the group 'D' post and his name was also sponsored by the Employment Exchange but the Interview Committee did not recommend his name as a selected candidate.

3. I have heard both the counsel and have seen the scheme annexed by the respondents as well.

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4. The scheme clearly states that it shall be applicable to Casual/Contract workers who are working or who have worked with the Institute for more than 240 days in a year as on 22.11.1991 for reckoning the period of 240 days and the break in between should be ignored. Since the applicant has not even put in 240 or 206 days, therefore, the said scheme will not apply in the case of the applicant, as such the relief as claimed by the applicant, cannot be granted to him. However, since admittedly the applicant has worked with the respondents for 2 years, the respondents are directed to give preference to the applicant over the freshers/outsiders and juniors in case they decide to re-engage some other casual labours. The applicant would leave his address with the respondents so that they may intimate the applicant whenever such a situation arises.

5. With the above observation, the O.A. is disposed of accordingly. No order as to costs.



Member (J)

/M.M./