

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated this the ^{11th} day of August 2010

CORAM:

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

Original Application No.1377 of 2005
 (U/s 19 of the Administrative Tribunals Act 1985)

Chandrajeet Yadav,
 S/o Shri Ram Dhari Yadav,
 R/o Village and Post : Papaura,
 District- Varanasi.. ... Applicant

By Adv: Sri S.N. Tripathi

V E R S U S

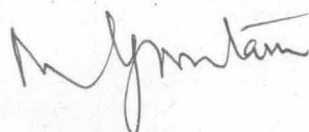
1. Union of India through Secretary,
 Ministry of Communication,
 Government of India, New Delhi.
2. Superintendent of Post Offices,
 West Division, Varanasi.
3. Inspector of Post Offices,
 North Sub Division, Varanasi.
4. Shri Sanjai Kumar Gupta,
 Inspector of Post Offices,
 North sub-Division,
 Varanasi (in person) ...Respondents

By Adv: Sri R.D.Tiwari

ORDER

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

The applicant was engaged as Guard on daily rated wages to look after the old building situated at Varanasi w.e.f. from 22.2.2004 upto 30.9.2005. The applicant has also stated that he was harassed by the 4th respondent who demanded Rs.500/- per month from him for continuing



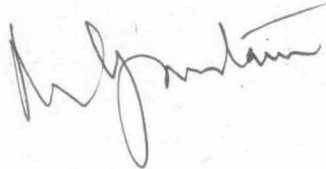
him on the post of Guard. He was paid wages upto 31.8.2005 and thereafter he was discontinued. He met 2nd respondent personally and was directed to go back to work. He worked upto 21.10.2005 but was not paid wages for the period from 1.9.2005 to 21.10.2005. The applicant made a representation dated 19.9.2005 and again on 24.10.2005 but with no response. Hence, he filed the present O.A. seeking the following reliefs:

"i. Issue a writ, order or direction in the nature of Certiorari quashing the impugned verbal order dated 21.10.2005 of the respondent No.4

ii. Issue further a writ, order or direction in the nature of Mandamus directing the respondents to reinstate the applicant on the post of daily rated guard till the finalization of the dispute of the aforesaid residence and to pay the wages of the month of September and October 2005 with interest."

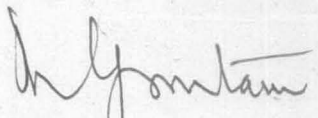
2. The applicant has also stated in the O.A. that he has worked w.e.f. 22.2.2004 to 30.10.2004 (254 days) and from 5.11.2004 to 20.10.2005 (349 days) without any break and has acquired the right to be considered for grant of temporary status.

3. According to the counter affidavit filed by the respondents the applicant was orally asked to look after the building which was in danger of being demolished. For this he was paid on daily rated terms as Casual Labourer. He was never engaged or appointed on any post nor was any selection procedure followed. Therefore, there is no basis in any of the claims being made by the applicant.



4. I have heard both counsel and perused the records from the file. The applicant has never been given any letter of appointment or engagement nor was any selection procedure followed. He was simply asked orally to take care of the building and paid on daily rated wage basis for the time that he was engaged. Since his engagement was on verbal basis, the disengagement also was on verbal basis and his payment was discontinued. It is also clear that there was no post against which he was appointed nor was he employed as casual labourer. Thus, there is no record or document available on record to establish the claim of the applicant to any further relief.

5. O.A. is thus devoid of merit and accordingly dismissed. No costs.


MEMBER(A)