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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration O.A. No. 773 of 1987

Ashok Kumar Yadav     ...     ...     ...     Applicant.

Versus

Union of India  
and others     ...     ...     ...     Respondents.

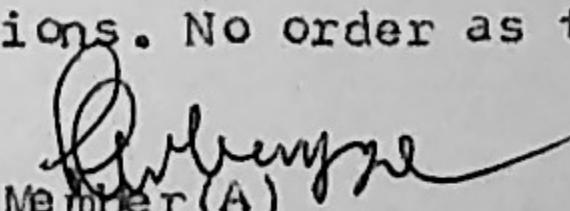
Hon'ble Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

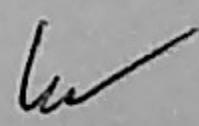
( By Hon. Mr. Justice U.C. Srivastava, V.C.)

The name of the applicant was sponsored by the Employment Exchange and thereafter w.e.f. 27.4.1976, he was appointed as Casual Night Guard in the Department of Archaeological Survey of India, Eastern Region, Varanasi. He was continuously worked upto the year 1983. In the year 1983, the respondent no. 4 disallowed the applicant to work for two months. Although the applicant has completed more than 240 days of continuous service, but his services were not regularised by the respondents and instead of regularisation, artificial breaks were deliberately made by the respondents. In the year 1984, the respondents have considered the applicant 's services as regularised and that is why bonus was also given to him. The applicant has prayed that the respondents may be directed to reinstate him in service as Night Guard and declaring him in continuous service after he was awarded bonus by the respondents and arrears of salary may also be given to him during the broken period of 1985, 1986, and 1987.

2. The respondents have refuted the claim of the applicant and have stated that that those casual labourers who were given the regular service w.e.f. August, 1985 have completed 240 days service in daily wages during two

preceding years on the date of appointment against the regular group-D post but the applicant had not completed 240 days in two preceding years i.e. 1983 and 1984. There is no artificial break was shown in the applicant's service. In the year 1984 he has worked only 192 days and there was no artificial break in the applicant's service, and the applicant himself did not come for duty and he remained absent, and no bonus was paid to him for ~~the~~ the year 1984. The applicant received bonus for the year 1982-83 in the year 1983 i.e. upto March, 1983. As the applicant has himself absented from ~~the~~ duty, there is no question to pay him salary. On Behalf Of the applicant, Sri G.D. Mukherjee learned counsel for the applicant contended that the applicant has worked for years together and even if he has absented himself after giving an application for leave because of the ailment of his father and mother and other domestic circumstances, <sup>as</sup> he has worked for years together, he should have been allowed to continue in service and no other persons should have been given priority and preference. In view of the fact that no disciplinary proceedings have been taken, against the applicant and he has not been removed from service, there appears to be no reason why the applicant's case for reappointment will not be considered if the vacancy is available or whenever the vacancy will be available because he has ~~been~~ worked for years together and he has better preferential claim over the others who ~~was~~ appointed subsequent to the appointment of the applicant. The application is disposed of finally with the above directions. No order as to costs.

  
Member (A)

  
Vice-Chairman