

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1237 of 1988

HON. MR. JUSTICE B.C. SAKSENA, V.C.  
HON. MR. S. DAYAL, MEMBER (A)

Vijai Kumar Sharma, 20 Vijay Nagar  
Colony, Near Lota Factory, Krishna  
Nagar, Mathura-281004

... Applicant

BY ADVOCATE SHRI V.D. OJHA

Versus

1. Union of India through the  
Secretary to the Govt. of India,  
Ministry of Information & Broadcasting  
Shastri Bhawan, New Delhi.
2. The Director General, All India Radio  
Akashwani Bhawan, Parliament Street,  
New Delhi.
3. The Station Director, All India Radio  
Vibhav Nagar, Agra-282001

... Respondents

BY ADVOCATE SHRI N.B. SINGH

ORDER (Reserved)

JUSTICE B.C. SAKSENA, V.C.

We have heard the learned counsel for the parties. The applicant was employed as a Steno-Typist w.e.f. 1.8.87. He claims to have worked for more than 240 days continuous service and it is alleged that he was verbally told by the Head of the office not to come to the office from 16.6.88.

2. The respondents have filed a detailed counter affidavit and has indicated that the applicant had performed duties as a Typist for 10 days in every month as per norms and were paid wages for 10 days every month. The respondents in their counter affidavit have annexed the photostat copies of the Attendance register from September 1987 to June 1988. As noted in our order passed on 3.7.95 Shri N.B. Singh, learned senior standing counsel

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for Union of India has also shown the original attendance register of the staff. The learned counsel for the applicant was asked to see the said register ~~xxx~~ and to satisfy himself about the veracity of the photostat copies filed as CA-1 from the said attendance register. There is no dispute in the attendance and the applicant's attendance as indicated in the register <sup>shows</sup> that he has worked for 10 days in every month and has not completed 240 days continuous service.

3. Through a supplementary affidavit the applicant sought to enlarge the controversy raised in the O.A and has filed photostat copies of despatch register for postal Dak as Annexure 42 alongwith the rejoinder. An order was passed by the Tribunal requiring the respondents to place the original Dak register to the Tribunal. It was shown to us and as noted in our order dated 3.7.95 the extract from the Dak register for the period before June 1988 does not tally with the despatch register of the Postal Dak shown in original and we have noted in our order that the date on which the applicant had made his signatures in the Dak register, his attendance was marked ~~in~~ in the attendance Register also. Thus the total number of working days of the applicant if worked out on the basis of the attendance register does not come to 240 days.

4. The claim for regularisation is founded on the assumption that the applicant had worked for 240 days continuous service. The assumption having fallen to the ground, the claim for regularisation ~~now~~ becomes wholly untenable. The applicant's appointment was admittedly on daily wages "of regular appointment" with no prospect as was indicated in the order of appointment. The claim for regularisation is misconceived and is not based on any statutory rules.

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5. In view of the above, the O.A lacks merit and is dismissed accordingly. In the circumstances, parties shall bear their own costs.

*l. Sayal*  
Member (A.)

*Bob Sakane*  
Vice Chairman

Dated: 10<sup>th</sup> July, 1995

UV/