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CENTRAL ADMINISTRATIVE RIBUNAL ALLAHABAD BENCH

ORIGINAL APPLICATION NO. 766 OF 1989.

12.7.1995.

Hon'ble Mr. Justice B.C. Saksena, V.C.

Hon'ble Mr. S. Das Gupta, A.M.

In this O.A. the applicant sought relief for a direction to be issued to respondent no. 2 and 4 to regularise his services as a regular Mazdoor against the vacancy of Coaxial Fault Control Unit, Agra. Initially, the petition had been filed through <sup>km.</sup> ~~Sadhana Srivastava~~. On her appointment as Standing Counsel for the Union of India, notice was issued to the applicant requiring him to appear in person or through any other counsel. Notice was duly served but the applicant has not engaged any other counsel nor has he communicated that he would be appearing in person.

We have heard Ashok Mohile learned counsel for the respondent. In the counter affidavit, it has been stated that on the basis of the letter dated 24.2.86 certain procedure for recruitment and regularisation of casual laboura in terms of the Supreme Court of India's judgment with regard to P & T Department was ~~taken~~ <sup>formulated</sup>. The case for regularisation of a casual Mazdoor who had put in 7 years service had to be considered. In the counter affidavit it was indicated that the applicant's case was put up before the Departmental Promotion Committee constituted for regularisation of the casual labourers, but he was not approved for regularisation by the D.P.C. One of the grounds indicated therefor is that there was break of more than six months in the service of the applicant. Though no rejoinder affidavit has been filed, the counter affidavit and letters giving clarifications as to whether break in service would be taken into account while computing 7 years service and it was clarified that break in service for a period of 6 months is condonable. Counter affidavit, however, does not disclose reason for break in the applicant's service. In my view, in view of the uncontested averments of fact that the applicant's case for regularisation had been taken up for consideration by the D.P.C. but the D.P.C. did not approve him for regularisation, the matter has to rest here. No case for direction as prayed for is made out, The OA is accordingly dismissed.

A.M.

*B.C.*  
V.C.