

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ( ALLAHABAD BENCH ), ALLAHABAD . . . .

Case No.  
I

956/90

Off 151

Date of decision : 1-7-92

...Haseeb..Ahmed..Sandiqui.....Petitioner

...Shri T.H. Khan.....Advocate for the Petitioner.

Versus

...Union of India and others.....Respondent

.....Shri A.K. Chaurasia.....Advocate for the Respondent (s).

\*\*\*\*\*

CORAM:-

The Hon'ble Mr. Justice U.C. Singhania, V.C.

The Hon'ble Mr. A.B. Gorai, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

Signature

8

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

O.A.No.956 of 1990.

Haseeb Ahmed Siddique .....Applicant.

Versus

Union of India & others .....Respondents.

Hon'ble M<sup>r</sup>.Justice U.C.Srivastava, V.C.

Hon'ble Mr.A.B.Gorthi, A.M.

(By Hon'ble Mr.A.B.Gorthi, A.M.)

The applicant, claiming that he had worked as a Casual Khalsi for 807 days, has filed this application seeking a direction that the order dated 27.7.90 by which his services were terminated w.e.f. 28.7.90 be quashed with all consequential benefits.

2. The applicant claims that he was appointed as a Monthly Rated Casual Labourer (M.R.C.L) vide order dated 21.6.90 (Annexure-A1 to the application). The said document shows that he had worked for 807 days and that his appointment as M.R.C.L was not for any limited period. According to the impugned order dated 27.7.90 which showed him as a Khas-Tathi Khalasi, was not correct. The applicant served a notice under section 80CPC without any success. However, the respondent no.5 vide order dated 22.8.90 informed the applicant that the order dated 27.7.90 was cancelled and that he should report for duty on 5.9.90. Although the applicant reported for duty on 29.8.90, he was not taken on duty.

3. The respondents' version is that the

applicant was appointed purely as a Hot Weather Waterman on daily wages for a limited period upto 28.7.90. He worked as a casual Waterman for 91 days only and not for 807 days as alleged. In fact, the main document on which the applicant relied which is Annexure-A1, was wrongly issued and it was factually false. In support thereof, the respondents filed an affidavit of Shri T.P. Singh, A.E.E. to the effect that no such letter was infact issued. In other words, the contention of the respondents is that the document, produced by the applicant, is not only factually false but was fabricated by the applicant in collusion with some other official.

5. Learned counsel for the applicant strenuously contended by making references to the various annexures attached to the application that the said documents were genuine, that the applicant accordingly did work for 807 days and hence the termination of his services without any notice or without following proper procedure was illegal.

6. The short question for our determination is whether or not the applicant worked for 807 days and acquired any right to continue in service. In view of the categorical assertion made by the respondents in counter-affidavit, supported by another affidavit, it seems clear that no reliance can be placed on Annexure-A1 to the application.

Accordingly, the applicant cannot claim his continuation in service as a matter of right. The application is, therefore, dismissed.

7. There shall be no order as to costs.

*frans* <sup>15</sup>  
MEMBER (A)

*les*  
VICE CHAIRMAN.

DATED: JULY 1, 1992

(ug)