

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1390 of 1992

Allahabad this the 07th day of August, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)  
Hon'ble Mr.M.P. Singh, Member (A)

Chandra Pal S/o Jamuna Prasad, aged about 28 years,  
resident of Village Khera Bughrg, Post Nabada, Distt.  
Budaun through R.R. Shukla, Advocate.

Applicant

By Advocate Shri R.R. Shukla

Versus

1. S.D.O.T. Budaun, Sub Divi.-office, Telecom,  
Badun.
2. The Director Executive Office, Teli. Communication,  
Department, Rampur.
3. The General Manager, Tele. Communication Depart-  
ment, Bareilly.
4. Chief Director Tele. Communication Department,  
Lucknow.
5. The Union of India, through Director General  
Tele Communication, Department, New Delhi.

Respondents

By Advocate Shri R.C. Joshi

O R D E R ( Oral )

By Hon'ble Mr.M.P. Singh, Member (A)

The applicant is aggrieved by the  
notice dated 14.9.1992 for terminating his services.

The brief facts of the case as stated by the applicant

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are that he was appointed as Jeep Driver as casual employee in the year 1987. The applicant has completed not only 240 days continuous service in a year but also completed more than 3 years continuous service in the department. The applicant mentions that he is, therefore, entitled to be considered for regularisation. A notice given to the applicant on 14.9.92 is not only illegal but contrary to the provision of Industrial Disputes Act. According to the applicant, there is no provision of any appeal or revision against the notice given to the applicant, as such, he has no other option, but to file this O.A. The applicant has sought directions to the respondents to regularise the services of the applicant in the department for having completed 240 days continuous service and he also sought direction to the respondents to relax his age for the period he has worked as casual labour for regularising his services.

2. The respondents have contested the case and have stated that the applicant was engaged on casual basis on daily wage, and the work of Jeep Driver was taken by him, as there was no sanctioned post of Jeep Driver at the time when he was engaged as a Jeep Driver. The post of Jeep Driver has now been sanctioned and is required to fill up in accordance with the recruitment rules. Since it is a direct recruitment, the order relating to the reservation for S.C./S.T. is applicable in this case, and the post has to be filled by S.C./S.T. candidates. Accordingly the case has been processed

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to fill up the post. The applicant ~~does~~ not belong to S.C./S.T., therefore, cannot be considered for appointment to the post of Jeep Driver.

3. Heard, the learned counsel for the ~~per~~respondents and perused the record.

4. It is not in dispute that the applicant was working as Jeep Driver on daily wage. It is also not in dispute that the post of Jeep Driver was not sanctioned on regular basis during the period when the applicant was working as a Jeep Driver. After the post has been sanctioned, it has to be filled up in accordance with the recruitment rules and the policy relating to the reservation for S.C. and S.Ts. Since the applicant does not belong to S.C. and S.T. community, he has rightly not been considered for appointment to the post of Jeep Driver. The applicant is, therefore, not entitled for appointment to the post of Jeep Driver and his O.A. is liable to be dismissed.

5. For the above, the O.A. is devoid of merit and is dismissed accordingly. No order as to costs.

*anil* Member (A)

*Seamay* Member (J)

/M.M./