

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application no. 1660 of 1992.

This ..... 27<sup>th</sup> ..... the day of October 1994.

Harikesh Bahadur Singh,

S/o Sri Deo Narain Singh,

C/o Ram Bahal Singh,

R/o Quarter No. 225 Type-I,

Kendranchal Colony, Sulem Sarain,

Allahabad.

..... Applicant.

By Advocate Sri I.M. Kushusha.

Versus

1. Union of India, through

Accountant General / Audit General of India,

New Delhi.

2. Accountant General/ Audit General,

U.P. Allahabad. .... Respondents.

By Advocate Sri Amit Sthalekar.

CORAM: Hon'ble Mr. T.L. Verma, J.M.

Hon'ble Mr. K. Muthukumar, A.M.

( O R D E R )

By Hon'ble Mr. K. Muthukumar, A.M.

1. The applicant is aggrieved that although he had worked as Daily Rated Casual Labour in the office of the respondent no. 2 in the year 1985-86 without any break, his claim for appointment as casual labour in the year 1987 was discarded by the respondent no. 2 and new candidates have been kept in service. The applicant has prayed that because he is senior to the candidates of 1987-88 who were likely to be considered for engagement of the casual labour,

a direction may be issued to the respondent no. 2 to keep the name of the applicant in the seniority list which is to be prepared and provide employment to the applicant as daily rated casual labour according to the seniority list.

2. The counsel for the applicant brought to our notice, the order of the Tribunal in O.A. No. 37 of 1991 wherein the respondents were directed to maintain a seniority list of the applicant in that O.A. as well as the others according to the number of days they were employed as daily rated casual workers and engaged by them subject to observation made in the judgement in future vacancies as and when necessity arises for such engagement. The learned counsel for the applicant has also cited the cases, namely, (i) Gurinder Singh Versus Engineer-in-Chief CPWD AIR 1986 SC 564. (ii) U.P.I.T. Department, CPSW Association Versus Union of India AIR 1988 SC 517. (iii) Delhi Municipal Karmchari Ekta Union Versus P.L. Singh and others AIR 1988 SC 519, in support of the plea for regularisation of the services of the casual labourers and preparation of scheme on a rational basis for absorbing the casual labourers who have been continuously working.

3. In their averments the respondents have strongly contended that the applicant was engaged as daily rated casual labourer in the year 1984 intermittently and during the year 1984-85 he had worked for 121 days from July 1984 to October 1984, then for 56 days in January 1985 to February 1985 and thereafter for 8 days in December 1985. After December 1985 the applicant left of

his own accord and has come forward again to stake his claim after the lapse of several years. The respondents have, therefore, contended that the application is *prima facie* barred by the limitation. They have also averred that in terms of Ministry of Home Affairs, Department of Personal Administrative Reforms O.M. No. 49017/19/84 - Estt (C) dated 26.10.1984, eligibility for regularisation of service in Group 'D' cadre would arise only after putting in 240/206 days of casual labours in each of the two consecutive calendar years and, therefore, the applicant was not eligible for regularisation. The respondents have further stated that in compliance of the order of the Tribunal in O.A. No. 37 of 1991, the seniority list of casual workers had already been prepared in the office of performed the respondent no. 2 on the basis of the number of days work/- by the casual workers and that persons were being engaged as casual labour as per the position in the seniority list subject to this suitability to the job. The respondents have averred that they were not aware of the whereabouts/ the applicant/ last seven years. They have however, averred that the name of the applicant had been enlisted in the seniority list of casual labourers being maintained by the respondents and have also asserted that the persons juniors in the seniority list, are never given preference over those who were senior in the seniority list.

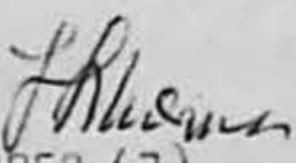
4. In the light of the above averments of the respondents and in view of the fact that the applicant has not shown any additional material about his grievance excepting the simple

→ (P)  
- 4 -

denial of the averments of the respondents, we do not find any merit in the application. Besides the application is reckoning highly belated, even / from the date of his first representation in January 1987. The application is accordingly dismissed.

5. There shall be no order as to costs.

  
MEMBER (A)

  
MEMBER (J)

Allahabad : Dated: 27.10.94  
KAPV