

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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O.A. No. 617 of 1992

Connected With

Contempt Application No. 1643 of 1992

Jeet Bahadur Yadav Applicant.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant along with few other persons were given appointment on Daily Wages basis in the A.G. office and according to the applicant, he continuously worked without any break between 9.8.1990 to 31.7.1991, thus, he continuously worked without any break more than 240 days in a calander year. Although, the applicant has worked for more than 240 days in a year but he was not allowed to work from 1.8.1991 without giving any notice or opportunity. On 3rd December, 1991, the applicant was again called back to resume his services as Class-IV employee but no formal order was passed. In the year 1991-92, five persons were appointed on daily wage basis in Class-IV category and they are continuing their work except one Samar Bahadur who was later on removed along with the applicant on 11.3.1992

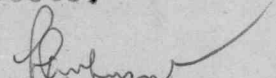
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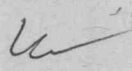
on which date the applicant was also restrained not to work without any rhyme and reason. The applicant approached the authority concerned in this behalf but no relief was given by them and according to the applicant his termination in this matter is violative of the principle of natural justice and is also against the provisions of Industrial Disputes Act, particularly, Sec. 25 F of the Industrial Disputes Act, in as much as the applicant has attained a particular status, as such, his termination amounts to retrenchment. The applicant also filed certain certificates granted by the officer concerned, indicating that he has worked as a Casual Labour for a particular period.

2. The respondents in their reply have doubted the genuineness of these certificates and have stated that the petitioner was engaged as a Casual Labour only on 9.8.1990 to attend to the Casual/intermittent nature of work and not as Class-IV employee as mentioned by the applicant. The applicant has never worked continuously but he was dis-engaged whenever, the work was over. According to the respondents, the applicant has worked in the year 1990 for 96 days, 1991 for 150 days and 1992 for 42 days. It is stated by the respondents that the engagement of Casual Labourers is for the work of purely casual nature and it does not require any appointment letter nor a termination order or notice therefore, at the time of disengagement, during the different spells of his engagement, he was found negligent for which he was reprimanded verbally and accordingly his engagements was not continued beyond 31.7.1991. In our opinion, as the applicant

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has worked number of days, may be as a casual nature of work, and during this period he may be improved, he can be reconsidered for re-appointment as a casual labour. Further, the case for regularisation of the applicant can also be considered, if they deemed it fit. The application is disposed of finally with the above terms. No case under the Contempt of Courts Act is made out as it cannot be said that the interim order passed by this Tribunal has been violated. Although, in the court affidavit, the respondents have pleaded that no appointment, as said by the applicant, has been made. The contempt application, therefore, is got to be dismissed and accordingly, it is dismissed. Notices are discharged. No order as to the costs.


Member (A)


Vice-Chairman

Dated: 2.12.1992

(n.u.)