

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH) ALLAHABAD.

D.A.NO.

106 of 1992

~~OF 199~~

F.A.NO.

Date of decision: 3-12-92

..... Surendra Kumar ..... Petitioner

..... Shri Rajesh D. Khare ..... Advocate for the petitioner.

Versus

..... Union of Indus Aps ..... Respondents.

..... Advocates for the Respondent(s)

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CORAM :-

The Hon'ble Mr. Justice U.C. S. Swastava, VC

The Hon'ble Mr. K. Chagga, Member (A)

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 ? /

NAQVI/

[Signature]  
Signature

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 106 of 1992

Surendra Kumar ..... Applicant  
Versus  
Union of India and Others ..... Respondents

CORAM:

Hon'ble Justice U.C. Srivastava, V.C

Hon. Mr. K. Ubayya, Member(A)

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The pleadings are complete, the case is being heard and disposed off finally. The applicant was initially appointed as Casual labour on daily wage basis in the Department of Tele-Communication, Muzaffarnagar, on 1st February, 1985. May it be, because he is a disabled person suffering from Polio and he also belongs to Back ward community.

2. Initially the applicant worked for 17 days and it appears that a protest was made by the Union. Thereafter again the applicant was taken as casual labour from 1st February 1986 to July 1987. He continued to work practically every month for few days, the details of which have been given. With the result during these period he worked for 341 days. According to the applicant, as he had

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worked more than 240 days during the period of one year, he has attained the temporary status and he was entitled to be regularised. But instead of regularisation, no work has been given to the applicant and his services have been put to an end in this manner. The applicant made efforts for the same and also through the Union but even then the service was not given to him that is why he has approached this Tribunal.

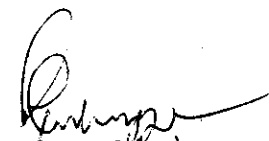
3. The respondents have opposed the application pleading that when ever work was available the work was given to the applicant. Thereafter as the work was not available he was not given the appointment and the applicant has moved application that he being a disabled person, he may be given a job. Obviously, the work was available in the department and that is why the casual labour were taken.


4. It has not been stated in the written statement that after the exit of the applicant, no casual labour what so ever has been taken in the Department or the work which was done by the applicant as his stay has come to an end and any ~~work~~ <sup>work</sup> ~~name~~ has not been taken from any permanent employee or from any of the temporary employee or casual labour. In the absence of any other name which has got to be accepted in this favour the applicant was a casual labour and as such he could not have

claim, full right but in view of the fact that he has worked for more than 240 days and belonged to disabled <sup>category of</sup> person, for whom certain percentage is in reservation and there appears no reason as to why he could not be considered for reappointment.

5. Accordingly, the respondents are directed to consider the case of the applicant as a general candidate or a candidate from disabled persons quota and give him fresh appointment. Incase any person who was taken as casual labour subsequent to engagement of the applicant, as such the applicant shall also be taken back as casual labour. After taking back the applicant, his case for regularisation shall also be considered, incase cases of similarly placed persons have already been considered of a general consideration. Let all these be done within a period of three months.

6. With these observations, this application stand disposed off finally. No order as to the costs.

  
MEMBER (A)

  
VICE CHAIRMAN

Dated: 3rd December, 1992:

(Uv)