

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
BENGLI ALLAHABAD.

ORIGINAL APPLICATION NO.144 OF 1993

Allahabad, this the 2nd day of June 1995.

Hon'ble Mr. S. Das Gupta, Member(A)

Hon'ble Mr. T.L. Verma, Member (J).

Mohd. Yusuf, son of Mohd Yunus, resident of  
88, Shilakhana, Teliarganj, District Allahabad.

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Applicant

By Advocate Shri M.A. Siddiqui.

Versus

1. The Union of India, through the Comptroller and Auditor General of India, New Delhi.
2. The Principal Accountant General, Uttar Pradesh, Allahabad.
3. Shri S.C. Ganguli, Accounts Officer, G.D.(Main), Office of the Principal Accountant General, U.P., Allahabad.

Respondents.

By Advocate Shri N.B. Singh.

O R D E R.

By Hon'ble Mr. T.L. Verma, Member (J)

This application under Section 19 of the Administrative Tribunal Act has been filed for quashing order dated 12.11.92, whereby the claim of the applicant for re-engagement and regularisation has been rejected and for issuing a direction to the respondent no. 2 to enter the name of the applicant in Live Casual <sup>Labour</sup> Register according to his seniority.

*LK*  
2. The applicant claims to have been initially appointed as casual labour by respondent no. 2 in 1981. He claims to have worked in <sup>from</sup> this capacity as such during the period <sup>4.5.1981</sup> to 28.7.1981 <sup>and</sup> thereafter, during 1982 to 1987. <sup>He</sup> is stated to have

submitted representation on 3.11.1992 for being empenelled in the seniority list of casual labour register on the basis of order passed by this Tribunal in O.A. No.1112 of 1991 decided on 10.1.1994. The applicant filed OA No.827/92 for empenelment in the casual labour register. The above OA was disposed of with a direction to the respondents to dispose of the representation on merit in accordance with law within a period of 4 months from the date of communication of order dated 3.7.92.

3. The respondents have rejected the representation of the applicant on the ground that the applicant has failed to furnish evidence in proof of his having worked during the period 1981 to 1987 in the office of the Accountant General III.

4. According to the applicant, he has worked from 4.5.1981 to 31.7.1981 and thereafter for 240 days during 1982, 1983 and 1984. The grievance of the applicant is that persons junior to him have been retained in preference to the applicant and continue to work under respondent no. 2. Denying the same benefit to the applicant, according to the applicant, is discriminatory and arbitrary. Hence this application for the reliefs as mentioned above.

5. The respondents have contested the claim of the applicant. In the counter affidavit filed on behalf of respondents, it has been stated that the applicant failed to produce any documentary evidence in support of his claim. Hence the representation filed by the applicant for including his name in the seniority list of casual labour register has rightly been rejected.

6. We have heard the counsel for the parties and perused the record. Except a certificate, which purports to have been granted by some official of the Office of the Accountant General

to the effect that the applicant has worked from 4.5.81 to 28.7.81 as casual labour in the office of the Accountant General, there is no other document to show that the applicant had been engaged in the Office of the Accountant General in any capacity during the period 1982 to 1987. Para 3 of the representation dated 18.6.92 (Annexure - A.10) would disclose that the applicant claims to have worked for 240 days during the years 1982, 1983 and 1984 and that he was being ignored. The averments made in paragraph 4 of the representation, read with para 3 imply that the applicant did not work after 1984. The claim of the applicant that he worked from 1982 to 1987 is not borne out by the facts averred in the application. The applicant was directed by the respondents to produce evidence of his claim of having worked in the office of the Accountant General, U.P., Allahabad, along with evidence of qualification, age and registration in the Employment Exchange. In reply to the above, the applicant furnished information vide letter dated 3.11.1992 (Annexure- 8). In para 5 of the said reply the applicant claims to have worked in the Office of the Accountant General III from 1982 to 1987. In para 3 (b) of the counter affidavit it has been stated that the Office of the Accountant General III is not in existence with effect from 1.3.1984. The averments made in the aforesaid paragraph of the counter affidavit have not been denied in the rejoinder affidavit filed on behalf of the applicant. That being so, the conclusion that follows from the above, fact is that the claim of the applicant of having worked in the office of the Accountant General III during 1982 to 1987 does not appear to be correct.

7. From the material on record it would, thus, appear that the claim of the applicant that he worked as casual labour in the office of the Accountant General from 4.5.81 to 28.7.81

only has been substantiated. So far as his claim that he worked during the period 1982 to 1987 is concerned, there is not even prima facie material to support the said claim of the applicant. The instructions regarding engagement/regularisation as Group D employees on the basis of their engagement on daily wage basis for the office of the Accountant General are to the effect that casual workers who have put in two years with 206 days of work during each year in the organisation, having five days' week, may be considered eligible for appointment along with other candidates sponsored by the Employment Exchange in accordance with the procedure followed for recruitment against Group D posts. In the instant case, the evidence on record suggests that the applicant had worked for 85 days only during the year 1981. There is no evidence worth the name in support of the claim of the applicant that he had been engaged thereafter during the period 1982 to 1987 and had completed 240 days as casual labour during 1982, 1983 and 1984 each.

8. In the facts and circumstances of the case we find that the applicant has failed to make out a case that he had acquired a status entitling him to re-engagement/regularisation in Group D post in the Office of the respondent no. 2. The relief claimed by the applicant, therefore, cannot be allowed.

9. In the result this application is dismissed as devoid of merit.

*J. K. Sharma*  
MEMBER(J)

*W. P.*  
MEMBER(A)