

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1388 of 1994

Allahabad this the 12th day of March, 2003

Hon'ble Maj Gen K.K. Srivastava, Member(A)
Hon'ble Mr.A.K. Bhatnagar, Member (J)

Anil Kumar Sharma, Son of Kailash Chand Sharma
(Motor Mechanic in Directorate Cropping System
Research, Modipuram, Meerut) resident of Village
and P.O.Urali, Meerut.

Applicant

By Advocate Shri K.P. Singh

Versus

1. Union of India through the Secretary, Ministry of Agriculture, Govt.of India, Krishi Bhawan, New Delhi.
2. The Secretary, Indian Council of Agricultural Research, New Delhi.
3. The Project Director Cropping System Research Pallevpuram, Modipuram, Meerut.

Respondents

By Advocates Shri J.N. Tiwari
Shri N.P. Singh

ORDER (Oral)

By Hon'ble Maj Gen K.K. Srivastava, Member (A)

In this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 the applicant has prayed that the order dated 18.07.94 (annexure A-1) be declared illegal and void, and also the ^{oral} order dated 02.06.94 terminating the services of the applicant be declared illegal. Both these orders should be quashed with all backwages and other consequential benefits of seniority etc.

2. The applicant is aggrieved by the action of the respondents in not regularising his services though he was ~~working~~ in the respondents establishment on casual basis as Motor Mechanic. The applicant filed O.A.No.1706 of 1993 for direction to the respondents to absorb the applicant on regular post . The O.A.No.1706 of 1993 was disposed of by the order of this Tribunal dated 18.05.1994 directing the respondents to decide the representation of the applicant dated 20.09.93 within a period of 3 months. The respondents decided the representation of the applicant by order dated 18.07.1994 rejecting the representation and the order of respondents dated 18.07.94 has been challenged in the present O.A.

3. We have perused the record and have also considered the pleadings ⁱⁿ ~~thereon~~ ⁱⁿ.

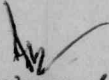
4. The applicant's contention is that he has worked for more than 240 days as daily rated casual worker as Motor Mechanic under respondent no.3 during previous 2 years i.e. 1992^{u&d}/1993. Since he was duly selected and fulfills the required eligibility condition he is legally and lawfully entitled for absorption on regular basis and permanency in service.


5. In the counter-reply, the respondents have contended that there is no substance in this O.A. The applicant worked for 125 days in the year 1992, 203 days in the year 1993 and 19 days in the year 1994. The applicant has not worked for 3 years and

has not completed 240 days in any year. Therefore, the applicant has no claim for regularisation. In para-9 of the counter-affidavit the respondents have stated that the applicant himself stopped coming for the work after 01.06.94. No officer has stopped or terminated orally or in writing the services of the petitioner. Therefore, the applicant is not entitled for any relief.

6. Counter-affidavit was filed on 22.12.94 and so far no rejoinder has been filed leaving no doubt in our mind that the applicant has nothing to refute the arguments of the respondents. It appears that the applicant himself stopped working after 01.06.94. The applicant has also not been able to produce any order of termination. Therefore, we do not find any good ground for interference.

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


Member (J)


Member (A)

/M.M./