

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 274 of 1994

Allahabad this the 02nd day of May, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)  
Hon'ble Maj.Gen.K.K. Srivastava, Member (A)

Rajendra Kumar Davkar, Son of Sri Krishna Kumar Davkar, Resident of 37-Chaturayana Inside Luxmi Gate, Jhansi, District Jhansi.

Applicant

By Advocate Shri K.K. Dubey

Versus

1. The Union of India, through Broadcasting Ministry, New Delhi.
2. The Chief Engineer, (Northern Zone), Jamnagar House, Shah jahan Road, New Delhi.
3. The Station Engineer, Radio Station, Jhansi.

Respondents

By Advocate Shri S.C. Tripathi

O\_R\_D\_E\_R ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant Shri Rajendra Kumar Davkar has come up seeking relief to the effect that the order dated 12.2.1993(annexure A-1) be quashed and the respondents be directed to regularise the services of the applicant and to pay the salary from

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the date of termination and onwards regularly.

2. As per applicant's case, he was appointed on the post of Security Guard w.e.f. 01.11.1990 and continued as such till service of impugned order. It has been mentioned that he was <sup>a</sup>regularly appointed employee as per rules in this regard and deserve to be regularised, but has wrongly been terminated. Therefore, he has come up seeking relief as above.

3. The respondents have contested the case, filed the counter.reply with the mention that the applicant was appointed only as a work-charged security guard on specific terms and conditions for specific period and specified work. His tenure was extended from time to time, for three months at a time or till the completion of project, whichever is earlier and, therefore, no right accrued to him to claim regularisation. The services of the applicant alongwith two others have been dispensed with for being no more required.

4. At this Stage Shri K.K. Dubey, learned counsel for the applicant appeared. Heard counsel for the parties and perused the record.

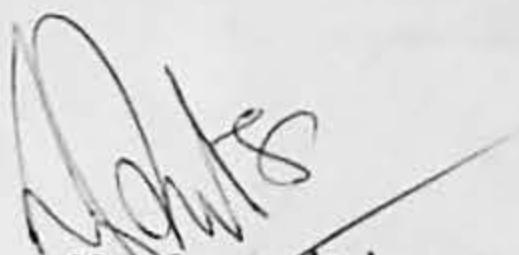
5. We find averments in the O.A. are not in consonance with documents annexed to the same.

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On perusal of the record we find that initially the applicant was appointed for 3 months or till the completion of project and this period was extended by intermittent orders extending the period by 3 months only ~~at a time~~.

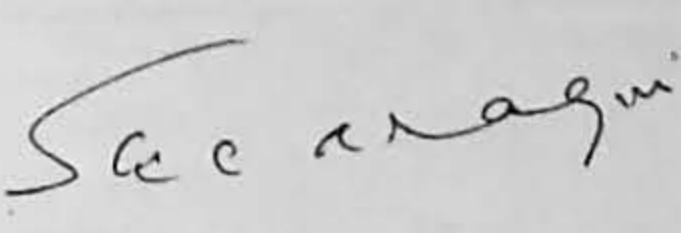
6. It has vehemently been argued on behalf of the applicant that the applicant remained in employment of respondents for continuous period of more than 240 days in a year and, therefore, he is entitled for regularisation of his services. It is quite evident from the record that the engagement of the applicant was only for a specific period or till the completion of project, whichever is earlier, and it was extended from time to time in view of requirement at that time and the services were dispensed ~~when~~ when no more required. Under the circumstances, an employer cannot be compelled or required to keep engage(a person notwithstanding the requirement ~~of the post or availability~~ of the post or ~~eligibility~~ of the post.

7. For the above, we find no merit in the matter, which is dismissed. No cost.



Member (A)

[M.M.]



Member (J)