

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 28th of March, 2001

C O R A M:- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S. Biswas, Member- A.

Original Application No. 54 of 1994.

Khajan Singh s/o Sri Bhagwan Singh,
R/o Re-mount Training School and Depot Hempur, Nainital.

.....Applicant

Counsel for the applicant :- Sri G.D. Mukerjee.

V E R S U S

1. Union of India through the Chief of the Army Staff
Army Head Quarters, South Block, New Delhi.
2. The Commandant, Re-mount Training School and
Depot, Hempur, Nainital.
3. The Principal, Army School, Hempur Re-mount Training
School and Depot, Hempur, Nainital.
4. The Director, Re-mount Vehicle Corps, Sena Bhawan,
New Delhi.

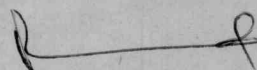
.....Respondents

Counsel for the respondents:- Sri S.C. Tripathi

O R D E R (Oral)

(BY Hon'ble Mr. Justice R.R.K. Trivedi, V.C)

By this application under section 19 of the
Administrative Tribunal's Act, 1985, applicant has prayd



for a direction to the respondents to appoint the applicant on the post of Tractor Driver on regular basis as he has been working on the post ^{of} daily rated employee since 1993.

2. The case of the applicant in short is that he was engaged as Tractor Driver in September, 19⁸³ on daily rated basis. He is SC candidate and since September, 1983 he is regularly discharging duty of Tractor Driver. It is also claimed that in the year 1989 applicant appeared alongwith others before a Board for regularisation and and he came out successfully. He was found medically fit but he was not regularised on the post and is still continuing as Daily Rated Tractor Driver. It is also claimed that in year 1993 vacancy was released for Tractor Driver which was earmarked for SC candidates but the applicant was not appointed.

3. Denying the claim of the applicant, respondents have filed CA wherein it has been stated that the applicant was engaged simply on daily rated worker and he was not engaged as Tractor Driver. It has been submitted that ^{as he} possessed driving licence of Tractor Driver, he was at ^{times} detailed to assist the permanent Tractor Driver of the farm. It is claimed that the certificate issued is only with regard to daily rated worker and not as a Tractor Driver. However, it is not denied that the applicant is still working on daily ^{rated} basis since 19⁸³, though more than about 17 years have passed. The fact that the applicant has not been dis-engaged and continued for ¹⁷ years demonstrates that ^{his} ~~working~~ is of permanent nature and ^{he} can be regularised.

4. In our opinion, it is a case whether respondents

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ought to have been taken early steps to regularise^a the employee for which several Government orders have been issued from time to time. Considering the facts and circumstances of the case we dispose of this application with the direction to respondent No.2, The Commandant, Re-mount Training School and Depot, Hempur, Nainital to consider the case of the applicant for regularisation in the light of recent Government orders and pass reasoned order within three months from the date a copy of this order is filed before him.

5. There will be no order as to costs.

S. Bis
Member- A.

[Signature]
Vice-Chairman.

/Anand/