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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE DAY OF JULY, 1995

Original Application No. 617 of 1994

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAS GUPTA, MEMBER(A)

Prakash, aged about 26 years, son
of Shri Motilal, resident of Balmik Mandir,
Topkhana, Bazar, Cantonment, Jhansi.

... Applicant

BY ADVOCATE SHRI R.K. NIGAM

Versus

1. Union of India through Secretary
Ministry of Information and Broad-
casting, New Delhi.
2. Chief Engineer (North Zone) Akashwani
and Doordarshan, Jamnagar House,
Shahjahanabad Road, New Delhi.
3. Station Engineer, Akashwani, Near
Medical College, Kanpur Road, Jhansi

... Respondents

ORDER (Reserved)

JUSTICE B.C. SAKSENA, V.C.

We have heard the learned counsel for the applicant Shri R.K. Nigam, when the O.A. came up for admission. The applicant ^{had been} appointed as Safaiwala in Akashwani, Jhansi. The applicant's services were terminated by order dated 15.2.93. He had earlier filed an O.A. which was registered as O.A. No. 477/93. Various grounds were urged and were considered by a Bench of this Tribunal in its order and judgment dated 10.2.94. All the pleas were negatived. On a last plea raised by the applicant that the post of safaiwala is not going to be abolished, On the contrary, the number of posts is going to be increased, a Division Bench of this Tribunal made the following observation:

" that it would be open to the respondents

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to consider regularisation of the services of the applicant, if they so desire. This should not be difficult in view of the fact that the applicant has clearly stated in his petition, that he is prepared to work in any post, in any of the establishment under the respondents. While it would be just and fair on the part of the respondents to do so, we make it clear that it is not to be understood that we have directed the regularisation."

2. The applicant lays great emphasis on this observation and has pleaded that the respondents were duty bound to consider his case for regularisation. It is alleged that instead of doing so, they have issued the advertisement calling for applications for the post of safaiwala to be appointed for the year 1993-94 on contract basis. The applicant alleges that he was entitled to be considered for regularisation. In the O.A, however he has claimed for appointment on the post of a Peon. The observation made in the earlier judgment cannot be considered as a direction for his appointment as a Peon.

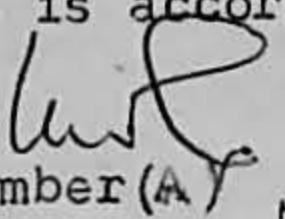
3. The learned counsel for the applicant further urged that the post of Peon is being filled up in violation of Section 10 of the Contract Labour Act. There is nothing in the advertisement, copy of which is Annexure A-1. Appointment on contract basis is altogether different. It does not attract the provisions of the Contract Labour Act. The appointment is not being made by a contractor. The advertisement has been issued by the Akashwani, Jhansi.

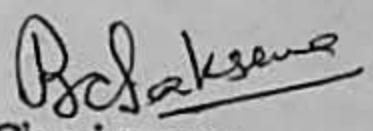
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4. A second O.A for enforcement of the observations made in the earlier judgment is clearly not maintainable. The learned counsel for the applicant has not been able to justify the filing of the petition. In our opinion, no right flows in favour of the applicant to claim appointment against the post of Peon on the basis of the observations made in the judgment rendered in the earlier O.A No. 477/93. There was a suggestion only for the respondents to consider his case for regularisation on the post of safaiwala and not that of a Peon.

5. No other point has been urged. There is no merit in the O.A, it is accordingly dismissed summarily.


Member (A),


Vice Chairman

Dated 10th July, 1995

Uv/