

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 19th day of July, 2000.

CORAM : Hon'ble Mr. Rafiq Uddin, Member (J)

Hon'ble Mr. M.P. Singh, Member (A)

ORIGINAL APPLICATION NO. 764 of 1994

Puneet Thakur, son of Sri Kishun Thakur,
residents of Village & Post-Office
Narar Madhubani, District Varanasi.

...Applicant

C/A Shri S.K. Verma, Adv.

Shri S. Verma, Adv.

Versus

1. Union of India through
Secretary C.I.D., New Delhi.
2. Central Intelligence Officer,
Central Intelligence Office,
Government of India, Varanasi.
3. Director, Central Intelligence Office,
Government of India, New Delhi.

...Respondents.

C/R Shri Ashok Mohiley, Adv.

O R D E R

(By Hon'ble Mr. Rafiq Uddin, Member (J))

The applicant has sought regularisation of his service with consequential benefits and declaration to the fact that he be treated in service of the respondents.

2. The case of the applicant is that he was employed on daily wages w.e.f. 02.01.1986 as Chowkidar in the office of Central Intelligence Officer, Varanasi (respondent No. 2).

2
u

He was again engaged on 13.12.1988 as Mali on daily wages. Thus the applicant continue to work for 240 days continuously in the office of the respondent No. 2. Consequently he is entitled for regularisation of service but the applicant is not being treated in service from 10.07.1993.

3. According to the respondents the applicant did not work continuously from 08.10.1986 to 10.07.1993 as claimed by the applicant. They also alleged that the applicant himself absented from duty during the aforesaid period and his engagement was on need basis and since there was no work, therefore, he was not engaged.

4. We have heard parties counsel and perused the record.

5. There is no dispute that the applicant was engaged on daily wages. Therefore, he is not entitled as a matter of right for regularisation of service. It was held by the Apex Court in, "Himanshu Kumar Vidyarthi Vs. State of Bihar, 1997, SCC (L&S) page 1079 that daily wage employees have no right to the post and their disengagement can be allowed without issuing any show cause notice and such action is also not a retrenchment within the meaning of Industrial Dispute Act.

6. The applicant ^{avail}~~availe~~ the benefit by scheme known as "Casual labour grant of temporary status regularisation" a scheme of Government of India which came into force w.e.f. 01.09.1993 ^{at that} ~~and~~ provides a temporary status ^{in conferid on} would be ~~confirmation~~ of all casual labourers who are in employment on the date of issue of this O.M. by Department of Personnel and Training O.M. No. 51016/2/90-Estt.(c). This O.M. came into force w.e.f. 01.09.1993. But in the present case admittedly the applicant was not in employment

Ru

on 01.09.1993 and his engagement was dis-continued w.e.f. 10.07.1993. Thus the applicant is also not entitled for grant of benefit of this scheme.

7. For the reasons stated above, we do not find any merit in the O.A. and the same is dismissed, however, there will be no order as to costs.

W.H.
Member (A)

R.Singh
Member (J)

/S.P./