

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 919 of 1994

Allahabad this the 08th day of December, 1999

Hon'ble Mr. S.K.I. Naqvi, Member | J |
Hon'ble Mr. M.P. Singh, Member | A |

Ashish Kumar Tripathi, S/o Shri Ram Avtar Tripathi
R/o C/o Shri Govind Das, H.No.103 Orcha Gate Bahar,
Jhansi.

Applicant

By Advocate Shri Satish Dwivedi

Versus

1. Union of India through the Secretary, Ministry of Tourism, Government of India, New Delhi.
2. The Superintending Archaeologist, Archaeological Survey of India, Beli Guard Cottage, Golaganj, Lucknow.
3. Conservation Assistant, Archaeological Survey of India, Sub Division, Rani Laxmi Bai Mahal, Jhansi.

Respondents

By Advocate Shri N.B. Singh.

O R D E R (Oral)

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

While working as daily rated casual worker under the respondent no.3 w.e.f. 15.12.1990, the applicant-Shri Avnish Kumar Tripathi was disengaged

from the service vide order dated 07.8.94 against which the applicant has come up before the Tribunal with two fold prayer-first that the impugned order dated 07.03.1994, which has been annexed as annexure A-1 to the O.A., be quashed and consequently ~~that~~ the respondents be directed to regularise the services of the applicant or, ^{Secondly,} to ~~absorb~~ absorb him in any vacancy of Class IV employee. The applicant has challenged the impugned order on the ground that the order was passed without conducting any inquiry against him and also that in view of Govt. of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, Circular dated 20.10.1985, he was entitled to get regularised/for having put in more than 240 working days as casual labour.

2. It has been contended on behalf of the respondents that the applicant has been disengaged on the charge of having misbehaviour with his superior officers and other employees posted with him, for which one month's notice was given to him and, thereafter, he was disengaged. It has also been contended on behalf of the respondents that the applicant was working as daily wage casual Beldar, ~~The work~~ for which ^{he worked} continued for a very limited period, ~~therefore,~~ he is not entitled to any regularisation in the service. It has also been referred on behalf of the respondents that under C.C.S. (Central Government Temporary Service) Rules, 1965, the services of the applicant could be dispensed with ~~with~~ one month's notice only, which has been complied with in the present matter.

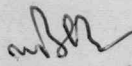
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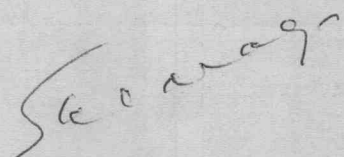
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3. We ~~con~~considered the arguments placed from either side and perused the record.

4. It is not in dispute that the applicant was engaged as daily rated casual labour and he ~~was~~ dis-engaged on the charge of ^{having} ~~have~~ misbehaved with his superior officer in the office and other employees working there. As per respondents case, this order was issued after departmental inquiry for the allegations against the applicant. It is a clear position that the worker who misbehaved with his superiors and other officials cannot be ^{trust} ~~trust~~ upon the employer and also that as per his service conditions he could be disengaged with one month's notice. So far as the regularisation is concerned, only those employees are entitled to this benefit who entered into service as casual worker through Employment Exchange and there is vacancy in the establishment to absorb him for regularisation. The applicant does not fulfil these conditions.

5. With the above facts in view, we do not find any force to allow the relief sought for. The O.A. is dismissed accordingly with no order as to costs.


Member (A)


Member (J)

/M.M./