

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.950/1994

WEDNESDAY, THIS THE 10TH DAY OF APRIL, 2002

HON'BLE Mr. S. DAYAL .. MEMBER (A)

HON'BLE Ms. MEERA CHHIBBER .. MEMBER (J)

Shashi Kumar Misra,
S/o Sri Harendra Nath Misra,
R/o Village Shajipur,
P.O. Jagdishpur,
District Allahabad.
(Casual Labour AG., U.P., Allahabad) .. Applicant

(By Advocate Shri M.K. Upadhyay)

Versus

1. Union of India, through
the Comptroller & Auditor General of India,
New Delhi.
2. The Principal Accountant General,
Uttar Pradesh,
Allahabad. .. Respondents

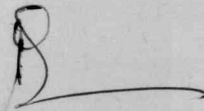
(By Advocate Km. S. Srivastava)

ORDER - (ORAL

Hon'ble Ms. Meera Chhibber, Member (J) :

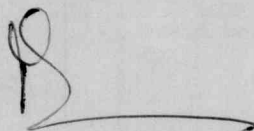
By way of this O.A., the applicant has sought the following reliefs:

- 1) to issue appropriate direction for inclusion of the name of the applicant in the casual labours register;
- ii) to direct the respondents to intimate the applicant the serial number of the casual labour register where his name has been placed;
- iii) to further direct the respondent No.2 to engage him in preference to juniors and new comers;
- iv) to further consider the applicant for absorption/regularisation on a Group 'D' post;
- v) to pass any other and further orders which this Tribunal may deem fit and proper; and
- vi) to award the costs of the petition to the applicant.



...2..

2. It is seen from the O.A. that apart from stating in para 4.1 that the applicant was initially engaged as daily rated casual labour with effect from 15.4.72, he is still continued as such with broken periods. He has not annexed a single document to substantiate the averment made by him. In fact, the O.A. does not even narrate as to where the applicant had worked, i.e., under which office and under which respondent particularly or the officer concerned. He has simply said in para 4.5 that during the period from 15.4.1972 till 6.5.1994, the actual working days yearwise are given below. and has narrated the number of days which according to him, he has worked with the respondents. In the O.A., he has annexed a letter dated 7.9.1972 at Annexure-A5 to show that he was called for interview for the post of Peon. But, simply because he was called for the interview, does not mean that he was also appointed to the post or was engaged to work as a Peon on casual basis. In fact, for engaging a person on casual basis, normally no interview letters are sent. Since the interview ^{is} letter ~~for~~ the post of Peon and had he been appointed, he would definitely have been given an appointment letter to that effect. But, there is nothing on record to show that the applicant was either appointed as a Peon or engaged as a Peon on casual basis.



...3..

3. The respondents in their counter have specifically denied and have stated that the applicant was never engaged as a Casual Worker in the office of Respondent No2 as it came into existence only with effect from 1.3.1984. Moreover, they never received any representation regarding the claim of the applicant as alleged by him and the case of the respondents was that since the applicant had never worked as a casual worker with them, he is not entitled to any of the reliefs as claimed by him.

4. The applicant's counsel has relied on a number of judgments annexed with the O.A. and has submitted that since in those cases a direction was given to enter the name of the petitioners therein in the register of casual workers and consider the applicants therein for engagement in future and according to their ~~and~~ suitability in other respects *the application should be allowed*

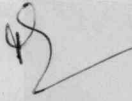
5. We have perused the judgments annexed with the application and we find that those judgments would not advance the case of the applicant at all inasmuch as in all those cases, the applicants had worked indeed with the respondents for some days. Whereas, in the present case, the respondents have specifically stated that the applicant had not worked with them even for a single day and the applicant has not annexed as stated above, any document to show that he had indeed worked




worked with the respondents. In this connection, it would be relevant to quote a paragraph from the judgment given by the Hon'ble Supreme Court in the case of RATAN CHANDRA SAMMANTA AND OTHERS Vs. UNION OF INDIA AND OTHERS - (1994) 26 ATC 228; wherein it has ^{been} held as under:

"It was urged by the learned counsel for the petitioners that they may be permitted to produce their identity card, etc., before the opposite parties who may accept or reject the same after verification. We are afraid, it could be too dangerous to permit this exercise. A writ is issued by this Court in favour of a person who has some right and not for the sake of roving enquiry leaving scope for manoeuvring."

We feel that the ratio of this judgment would fully apply ^{is} for the facts of the present case as well. Since the applicant has not made out any case to show that he has worked with the respondents, we find no merit in the case. The O.A. is therefore devoid of merits and is dismissed. No order as to costs.


MEMBER (J)


MEMBER (A)

psp.