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Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 10<sup>th</sup> day of December 1999.

Original Application no. 1188 of 1994.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member  
Hon'ble Mr. M.P. Singh, Administrative Member.

Dinesh Sharma,  
S/o Sri B. D. Sharma,  
r/o Village Bairakhas, Post Luxmanpatti,  
Gyanpur, Distt. Varanasi.

... Applicant

C/A Shri S.L. Kushwaha  
Shri H.S. Srivastava

Versus

1. Union of India, through Secretary Ministry of Water Resources, Government of India, Central Secretariate, New Delhi.
2. Secretary, Central Water Commission, New Delhi.
3. Executive Engineer, Madhya Ganga Mandal 3, Teliyabagh, Varanasi, U.P.

... Respondents

C/R Shri N.B. Singh

*Dinesh*

...2/-

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O R D E R

Hon'ble Mr. M.P. Singh, Member-A.

The applicant Shri Dinesh Sharma was appointed as Additional Boats Man/Khalasi in the Central Forecasting Sub-Division, Allahabad under the Central Water Commission, Madhya Ganga Mandal-3, Varanasi on 09.07.84 and continued up to 15.10.93 after certain breaks in the service. He has sought relief for regularisation of his services taking the whole working days right from 1984 including daily rated Casual labour on muster roll. He has also sought relief for putting the applicant on proper place in the seniority list and to give him all consequential benefits according to seniority.

2. The respondents in their C.A. have stated that the applicant's engagement was purely seasonal for specific period from June to October or till expiry of monsoon each year which-ever is earlier. The seniority of an employee will be on the basis of number of seasons actually worked. They have further stated that the name of the petitioner is already included in the seniority list maintained by the department for the seasonal khalasi and he will be considered for regular appointment in turn on seniority cum fitness basis<sup>as</sup> and when regular vacancy arises.

3. The applicant in his RA has contended that

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he has not only worked for seasonal periods in different years but also worked prior to and after seasonal periods in different years. The seniority list as has been mentioned in the replying paragraph has been prepared on the basis of seasonal work only and as such in the applicant's case the period prior to and after seasonal work has not been taken into account, otherwise the name of the applicant would have been much before the place given in the seniority list (annexure CA 4 to the CA). The applicant has also contended that he has worked from 05.01.85 to 31.10.85 for 300 days continuously with artificial breaks for a short period. This is not as per the certificate given by the department. The averment of the respondents that the applicant did not work 240 days is wrong and misconceived.

4. The respondent in their Supplementary counter affidavit has admitted that the applicant in addition to the seasonal work have also performed duties for the following period:-

01.03.85	-	31.03.85	02.04.85	-	30.04.85
01.05.85	-	30.05.85	05.11.88	-	30.11.88
01.12.88	-	31.12.88	02.01.89	-	31.01.89
01.02.89	-	28.02.89	01.03.89	-	31.03.89
09.01.91	-	31.01.91	01.02.91	-	28.02.91
01.03.91	-	31.03.91.			

They have also admitted that the applicant was appointed for the above-mentioned period on ad-hoc basis due to increase of work and has been paid his salary for these periods.

*m/sd*

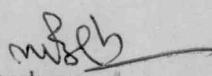
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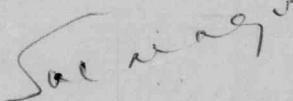
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5. Central Administrative Tribunal vide its judgment dated 02.03.94 directed the respondents to consider the representation for regularisation within a period of 2 months. The respondents considered the representation, and informed the petitioner that his claim for regularisation would be considered in his turn according to the seniority list.

6. From the above it is abundantly clear that the applicant has performed the duties of daily wager prior to and after seasonal period and has worked for more than 240 days in a year as required under the department of Personnel circular dated 21.03.79. Therefore, we are of the considered view that the name of the applicant should be placed in the seniority list prepared for regularisation of casual labours and not in the seniority list prepared for seasonal workers. The O.A. is allowed. The applicant should be regularised with all consequential benefits within a period of 3 months from the date of communication of this order.

7. No order as to costs.

  
Member-A

  
Member-J

/pc/