

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 641 of 1999

Allahabad this the 06th day of August, 2001

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

Vijai Kumar Singh, aged about 27 years, Son of
Late Sri C.D.Singh, R/o C/o VICTOR MOZIS, KATRA
MISSION COMPOUND, Allahabad.

Applicant

By Advocate Shri K.K. Mishra

Versus

1. Union of India through Secretary, Central Board of Excise and Customs, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner, Central Excise and Customs, Kanpur.
3. Commissioner, Central Excise & Customs, Allahabad.
4. Deputy Controller, Personnel and Vigilance, Central Excise and Customs, Allahabad.
5. Superintendent(Head Quarter)Central Excise and Customs, Allahabad.

Respondents

By Advocate Shri G.R. Gupta,
Shri R.C. Joshi.

O_R_D_E_R (Oral)

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

Shri Vijay Kumar Singh has come up under
Section 19 of the Administrative Tribunals Act, 1985
seeking relief to the effect that the respondents be

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directed to allow the applicant to continue the service of the applicant as casual labourer on regular basis and be preferred against the new faces. As per the case of the applicant, he was working as Water Man since April, 1996 and complete the requisite period for conferring temporary status in accordance with Office Memorandum dated October 26th, 1984, June 7th, 1988 and September, 10th, 1993, but instead of conferring him the service benefit, the respondents have disengaged him and, therefore, he has come up seeking relief as above.

2. The respondents have contested the case, filed counter-reply. In para-7 of the counter-reply, it has been mentioned that the applicant was engaged as casual labour for looking after the work of casual and intermittent nature and not of full time. He was engaged as such during the month of April, 1996 to July, 1996 for sprinkling water on Khus Tatties installed in the Office premises during summer season, which is purely seasonal work and after July, 1996 onwards, he was engaged for other casual works on payment of minimum wages. The assertion of the applicant that he completed the requisite period of grant of temporary status has been denied with the mention that the Office Memorandum as mentioned in the O.A., are not applicable to his case, therefore, he is not entitled to get benefit of it.

3. Heard the arguments placed by Shri K.K. Mishra and perused the record.

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4. In support of his contention, the applicant has filed the copies of payment to daily wager, which find the name of the applicant. The annexures filed in support of the applicant's case do not make out his entitlement to temporary status, but obviously he deserves to be preferred against the new faces.

5. For the above, the O.A. is decided with the observation that whenever there is any recruitment, to which the applicant is eligible under rules, he be given preference over fresh faces in view of the period when he remained engaged in the past and also taking into consideration the rules and departmental directions in this regard. No cost.

S. C. M. M.
Member (J)

/M. M./