

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 6th day of February 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. A.K. BHATNAGAR, J.M.

O. A. No. 801 of 1999.

Krishna Kulatilak s/o Sri Jai Chand Shama r/o Village and
P.O. Mundlana, Roorkee, Dist. Haridwar..... Applicant

Counsel for applicant : Sri A.K. Upadhyay.

Versus

1. Union of India through Director General of Council of Scientific Industrial Research, Anusandhan Bhawan, Rafi Marg, New Delhi.
2. Director, Central Building Research Institute Roorkee, District Haridwar.
3. Administrative Officer, Central Building Research Institute Roorkee, District Haridwar..... Respondents.

Counsel for respondents : Sri V. Swaroop.

O R D E R (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for direction to the respondents to regularise the services of the applicant on the post of helper in pursuance of the CSIB Scheme for regularisation in view of the judgment dated 22.11.91 in O.A.1941/89. A further direction to the respondent is sought for non-interference in the work of applicant on the post of helper and for regular payment of salary as and when it becomes due.

2. The applicant claims that he was appointed as helper on Class IV on 1.1.88 and completed 180 days in one calender year. His services were terminated in the year 1989 when services of many persons including the applicant, who were working on the basis of contract as casual workers, were terminated. It is claimed that no termination order

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in writing was issued. Some of the casual labour/worker filed original application No.1941/89, 1989 to 1993 of 1989 in the Principal Bench which was decided by a common judgment in O.A. 1941/89 between Shivan Prakash Tyagi & others Vs. CBRI Roorkee & others. It is claimed that the respondents in compliance of their direction of the Principal Bench called the applicant and other casual workers and sent the proforma to the applicant on 1.2.93 which was submitted after completion of all formalities by the applicant on 9.2.93. It is claimed that the case of the applicant is fully covered by the judgment of Principal Bench in O.A. 1941/89. The applicant claims that those whose cases were fully covered by the decision of the Principal Bench and de-partmental instructions based on the aforesaid judgment were called back and permitted to work as casual labour and their services were extended from time to time. The applicant was issued a call letter on 2.9.97. He appeared in interview on 6.9.97 but could not be regularised due to non-availability of post. His period of work as casual labour was extended from time to time and thereafter without any cause and reasons he was stopped at the main gate of the department on 1.4.99 by the Security Guard. The applicant was verbally told that this was done on the direction of the Controlling Officer. The representations sent by him remained unanswered. He claimed that he had worked for more than six years in the department in a dedicated manner and his services were terminated without following the procedure laid down in law.

3. The respondents in their counter reply have stated that a one man enquiry was conducted against the applicant regarding tempering of his salary bill.

4. Under the circumstances placed before us, we direct the respondents to associate the applicant in any action which they contemplated against him and if the

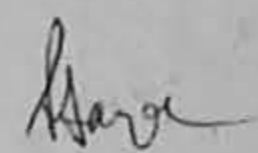
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applicant is found to be not guilty of the dereliction alleged, consider him for absorption under the scheme as prayed for by the applicant. This shall be done within a period of three months from the date of receipt of a copy of this order.

There shall be no order as to costs.


J.M.


J.M.

Asthana/
8.2.02.