

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.
ORIGINAL APPLICATION NO.947 OF 1999

ALLAHABAD THIS THE 22ND DAY OF SEPTEMBER 2006.

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

Daya Ram son of late Sri Bachchoo Lal,
Resident of Railway Quarters NO.692/C,
Northern Railway Loco Colony, Allahabad.

.....Applicant.

(By Advocate: Sri S. Ram/ Sri Anand Kumar/ Sri C.P. Gupta)

Vs.

1. Union of India through Comptroller & Auditor General of India,
10- Bahadur Shah Zafar Marg, New Delhi.
2. Principal Accountant General, Uttar Pradesh, Allahabad.
3. Dy. Accountant General (Admn) Office of Principal Accountant
General, Uttar Pradesh, Allahabad.

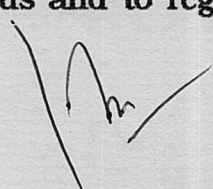
.....Respondents

(By Advocate: Sri S. Singh)

ORDER

Heard Sri Sudama Ram, learned counsel for the applicant and Sri Saumitra Singh, learned counsel for the respondents.

2. The applicant has come with a case that he was orally engaged as a casual labour, on 10.1.1985 and he continued working as such, under the respondent till 26.2.1999. He alleges that thereafter his services were orally terminated. According to him, he acquired temporary status and became entitled to regularization, in terms of "*Casual Labour (grant of temporary status and regularization) Scheme Govt. of India 1993*" which come into force on 1.9.1993, but instead of it, the respondents threw him out w.e.f. 1.3.1993, without assigning any reason. He says many juniors to him as described in para 4.7 of O.A. were not only retained but were regularised in 1997. He has prayed for quashing the verbal termination order dated 1.3.1993 and to direct the respondents to re-instate him as Casual Labourer with temporary status and to regularise him in Group 'D' with consequential benefits.



3. The respondents have resisted his claim by alleging that the applicant worked as Casual Labour only for 218 days in between 1988 to 1991 and thereafter left the job in Dec. 1991, on his own and did not turn up in spite of general notification dated 4.4.1994. They say that O.A. is not only time barred but also devoid of merits. According to them, since the applicant abandoned the job in 1991, so he cannot complain of regularization of others, done in 1997.

4. On the request of the applicant relevant registers for the period from 1988 to 1999, maintained by G.D. Main Section of the establishment, where the applicant worked as Casual Labour, were summoned and perused, with a view to ascertain whether the applicant worked after December 1991 to 1.3.1999. Shri Sudama Ram, the learned counsel for the applicant was also requested to see these register for himself and tell to the Tribunal, whether there were entries to support the claim of the applicant that he worked after December 1991 to 1.3.1999 but Shri Ram could not find any such entries. The applicant has not produced any other material which could have substantiated his above claim. Thus his case appears to be devoid of merits.

5. Non-disposal of representation of the applicant, by the respondents or non-communication of rejection of the same, does not advance the case of the applicant. Likewise regularization of so called juniors, in 1997 or on words, also breathe no life into the case of the applicant. The O.A. deserves to be dismissed and is dismissed but with no order as to costs.

J. M. Rao
22-3-06
Vice-Chairman

Manish/-