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open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 559 of 2000

Allahabad this the 30th day of May, 2002

Hon'ble Mr.C.S. Chadha, Member (A)

Munga Ram, Son of Shri Chet Ram, Resident of 43/10,
Bai Ka Bazar, Sikandra, Agra.

Applicant

By Advocate Shri Govind Saran

Versus

1. The Union of India, through the Secretary, Ministry of Human Resources and Development, Shastri Bhawan, New Delhi.
2. Director General, Archaeological Survey of India, Janpath, New Delhi.
3. The Superintending Archaeologist, Archaeological Survey of India, 22, Mal Road, Agra.

Respondents

By Advocate Shri Manoj Kumar

O R D E R (Oral)

By Hon'ble Mr.C.S. Chadha, Member (A)

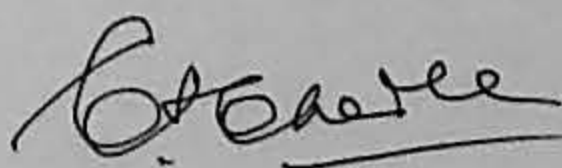
The case of the applicant is that he has a right to be appointed under the respondents on the ground that his lands were acquired for a public purpose. The matter had already been adjudicated by the Hon'ble High Court of Allahabad in Civil Misc.Writ Petition No.16594 of 1999 in which the Hon'ble High Court

Chadha

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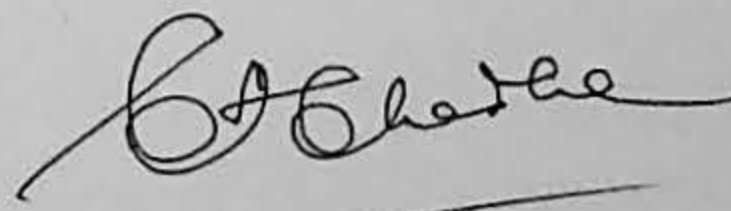
20/04/99 directed the respondents to consider the representation of the applicant. The respondents have accordingly considered the representation of the applicant and rejected the same by giving detailed reasons vide annexure A-1 dated 08/06/99. A perusal of the said order clearly shows that the applicant was not entitled to regular appointment on several grounds. The chief reasons for refusing the employment were that only those whose lands are acquired for Public Sector undertakings or Defence Projects are entitled to such appointment. Further, the claim of the applicant that he had been working continuously as a daily wager from 1989 to 1998 was also found to be incorrect. He had not worked continuously for 240 days in any continuous period of two years. Therefore, a mere perusal of the impugned order shows that the detailed reasoning has been given for rejecting the claim of the applicant, which is justifiable.

2. Learned counsel for the applicant stated that since the Archaeological Survey of India acquires land for the sake of maintenance of Arch. Monuments where it charges fees from visitors, rightly their activities should also be considered as similar to that of a public sector undertaking because they are also making profits. I fail to agree with this arguments because Arch. Survey of India is not engaged in any economic activity. The small fee charge from the visitors to see the monument is not a source of profit and that is why very rightly the Ministry of



Home Affairs has not considered the acquisition of lands by Arch. Survey of India on equal footing with a public sector projects and defence projects.

3. Learned counsel for the applicant also stated that there is a direct nexus between his working as a daily wager and ^{the} acquisition of his land because the concerned officials used to give him work only because this land was acquired. I cannot appreciate this logic because on the one hand the applicant is claiming compassionate appointment and on the other taking a plea that due to his working continuously for a certain number of days under the control of the respondents, he has acquired a right to a regular appointment. As mentioned above, the applicant has no case for compassionate appointment and since he did not work for more than 240 days in two consecutive years as a daily-wager, he is not entitled to any benefit on that ^{either.} score. I see no reason to interfere with the impugned order. The O.A. is without merit and, therefore, is dismissed. No order as to costs.


Member (A)

|M.M.|