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RESERVED

CENTRAL ADMINISTRATAIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 20 day of 10 2008.

Original Application No. 1311 of 2006

Hon'ble Mr. A. K. Gaur, Member (J)

1. Chandra Pal, S/o Shri Saheb Singh, R/o Village and Post Artauni Distt: Agra.
2. Prahlad Singh, S/o Shri Gayasi Ram, R/o Village Bastal, P.O. Kachara Distt: Agra.
3. Sujan Singh, S/o Shri Veeree Singh, R/o Village Aganpura, P.O. Achhnera Distt: Agra.
4. Pooran Singh, S/o Shri Sundar, R/o Village and Post Artauni, Distt: Agra.
5. Dharam Veer, S/o Shri Rohan Singh, R/o Village and Post Artauni Distt: Agra.
6. Dambar, S/o Shri Dori Lal, R/o Village and Post Artauni, Distt: Agra.
7. Lakhman Singh, S/o Radhey Shyam, R/o Village Kasauti, P.O. Achhnera, Distt: Agra.
8. Pramod, S/o Shri Amar Singh, R/o Garhi Khuniya, P.O. Magra, Distt: Mathura.

. . . Applicants

By Adv: Sri Rakesh Verma

V E R S U S

1. Union of India through Secretary, Ministry of Civil Aviation and Tourism, New Delhi.
2. The Director General, Archeological Survey of India, Janpath, New Delhi.
3. The Chief of Horticulture, Archeological Survey of India, Tajganj, Agra.
4. The Deputy Superintendent, Horticulture, Archeological Survey of India, Tajmahal, Agra.

. . . Respondents

By Adv: Sri Anil Dwivedi

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O R D E R

Through this OA the applicant has prayed for following main reliefs:

- "a. to issue a writ, order or direction in the nature of mandamus directing the respondents to re-engage the petitioners as Casual Labour Mali/Chowkidar in the casual capacity and continue them so long the work is available there and further the respondents may be directed to maintain a casual labour register entering therein such of the casual labours like the petitioners, whose services are terminated for want of work in order of their seniority based on the number of days worked in the above capacity and further to re-engage them whenever the work in future becomes available as is being done in the other Departments.
- b. to issue a writ, order or direction in the nature of mandamus directing the respondents to regularize the petitioners as per their turn with reference to the casual labour register on availability of the vacancies of regular nature."

2. The applicants have mainly sought direction to re-engage the petitioners as Casual Labour Mali/Chowkidar in the casual capacity and permit them to continue so long as the work is available.

3. The respondents have filed their counter affidavit. According to them, in view of decision rendered by the Hon'ble Supreme Court in *(2006) 4 SCC 1: State of Karnataka and others Vs. Uma Devi and others* the applicant has no case for regularization as prayed for by them. Learned counsel for the respondents. Respondents' counsel has produced copy of the judgment and order passed in OA No. 17/06 dated 04.03.2008 and OA No. 504/06 dated 01.09.2008 : Suresh Chand and others Vs. Union of India and others. In the said judgment a similar and identical issue was considered and after thorough discussion the case was

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dismissed. The controversy involved in the instant case is similar and identical to the aforesaid OAs.

4. In view of the above discussion I find no merit in the instant OA, which is accordingly dismissed. No cost.

Anil Gaur
(A.K. Gaur)
Member J

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