

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

ORIGINAL APPLICATION NO.17 of 2006

Allahabad, this the 4th day of March, 2008

Hon'ble Mr. Justice Khem Karan, V.C.

1. Kumar Singh, aged about 24 years, S/o Shri Khusi Ram, R/o House No.43-A-21 Post Udyog Nagar, Sikandara, District-Agra.
2. Babbu, aged about 24 years, S/o Shri Munna, R/o Bai Ka Bazar, Sikandara, District-Agra.
3. Deepak, aged about 23 years, S/o Shri Chunni Lal, R/o House No.43/350 Krishna Colony, Phase-II, Kailash Mond, Sikandara, District-Agra.
4. Dileep, aged about 23 years, S/o Late Shri Gokul Singh, R/o House No.43/285, Jain Gali, Sikandara, Post Udyog Nagar, District-Agra.
5. Sahjad, aged about 24 years, S/o Shri Syed Ali, R/o House No.43/66, Bai Ka Bazar, Sikandara, District-Agra.
6. Nemi Chandra, aged about 23 years, S/o Shri Birjan Singh, R/o House No.43/455, Sikandara, District-Agra.
7. Randhir Singh, aged about 25 years, S/o Shri Nirottan Singh, R/o Village Raipura Ahir, District-Agra.
8. Javed, aged about 21 years, S/o Shri Syed Ali, R/o House No.43/66, Bai Ka Bazar, Sikandara, District-Agra.
9. Rameshar Prasad, aged about 21 years, S/o Shri Roop Singh, R/o House No.43/53, Bai Ka Bazar, Post Udyog Nagar, Sikandara, District-Agra.
10. Ashok, aged about 22 years, S/o Shri Badan Singh, R/o Village Dahtaura Shashtripuram, District-Agra.
11. Bablu, aged about 24 years, S/o Late Shri Chhatra Pal Singh, R/o 43/280-A, Jain Gali, Sikandara, District-Agra.
12. Safique, aged about 25 years, S/o Shri Allahuddin, R/o 43/78-B, Bai Ka Bazar, Post Udyog Nagar, Sikandara, District-Agra.
13. Anil Kumar, aged about 25 years, S/o Shri Raghuveer, R/o 43/82, Bai Ka Bazar, Post Sikandara, District-Agra.
14. Dharam Veer, aged about 23 years, S/o Shri Ram Prasad, R/o Village Raipura Ahir, Kirawali, District-Agra.
15. Jeevan, aged about 22 years, S/o Shri Bhuri Singh, R/o Village & Post Artauni, Sikandara, District-Agra.

16. Sunil, aged about 21 years, S/o Shri Rakesh, R/o Village Kasimpur Post Anni Ka Nagla, District-Etah (UP).

...Applicants.

(By Advocate : Shri Rakesh Verma)

Versus

1. Union of India, through the Secretary, Ministry of Civil Aviation & 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 of Horticulture, Archeological Survey of India, Tajmahal, Agra.

...Respondents.

(By Advocate : Shri Saurabh Srivastava)

ORDER

The applicants are Ex. Casual worker. They say ~~that~~ they worked as Garden Attendant on a casual basis for the period mentioned in the OA and were thereafter dis-engaged. Their grievance is that though there is a work to be done by these persons but instead of taking work from them, the respondents have engaged fresh faces to replace them. They say the respondents cannot replace a casual worker by another casual worker and cannot be allowed to act arbitrarily in the matter relating to ~~in case of such~~ employees ^{or} such casual workers. Learned counsel for the applicant has tried his best to convince the court that the applicants have a good case for reengagement or regularization on the basis of their previous working.

3. But in a view law laid down by Apex Court in the State of Karnataka Vs. Uma Devi reported in ACC 2006 pg.1 - such Ex casual workers have no claim to the post or no valid claim to continue or to be re-engaged only, ^{unless} of course there is already a scheme of

^
^

the respondents for such reengagement or regularization. The applicant says that the respondents be directed to frame a scheme. In view of what has been ~~rules~~ ^{said by} the Apex Court, ~~that~~ ^{framing} no such directions can be given to the respondents for such ~~framed~~ ⁹ scheme. 14

4. The OA appears to be devoid of merits and it is accordingly dismissed. No order as to costs.

[Signature]
24/3/08
Vice-Chairman

RKM/