

Regulation

IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

B

O.A. No. 187 OF 1992.
~~Ex-Nos~~

DATE OF DECISION 29.7.1992

Shri Jayantibhai Purabia, Petitioner

Mr. C.S.Upadhyay, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan, Vice Chairman.

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

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1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Jayantibhai Purabia,
son of Bijalbhai Purabia,
resident of Municipal Health
Staff Quarters, Block No.3,
Room No.11, Opp. Shanker Bhuvan,
Shahpur, Ahmedabad,
working as Wash Boy in the Staff
Canteen of C.B.I. Office,
Ahmedabad.

..... Applicant.

(Advocate: Mr. C.S.Upadhyay)

Versus.

1. The Union of India,
Ministry of Home Affairs,
Government of India,
New Delhi.

2. The Superintendent of
Police, Central Bureau
of Investigation,
Jivabhai Chambers,
Ashram Road, Ahmedabad.

..... Respondents.

(Advocate:Mr. Akil Kureshi)

ORAL ORDER

O.A.No. 187/1992

Date: 29.7.1992.

Per:Hon'ble Mr. N.V.Krishnan, Vice Chairman.

Heard. The applicant was engaged by the respondents as Sweeper/Water man for intermittent periods from 1983 to 1988. It is also seen from the Annexure A-2 that he has worked as a Waterman for 184 days in 1988 and 240 days in 1989. By the Annexure A-1 order he is now engaged as a Wash Boy until further orders and is continuing as such.

2. The applicant's prayer is that he should be regularised on a Class IV posts.

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3. The respondents have filed a reply stating that they are under instructions to fill up regular vacancies only by obtaining nominees from the employment exchange. It is also submitted that, unless the name of the applicant is sponsored by the employment exchange, whenever the process of selection is initiated, his name cannot be considered by the respondents. There is also a ban on further recruitment at present.

4. We have heard the parties. This is a case where the applicant has worked in 1989 for a relatively long period of 242 days which is more than the accepted norm of 240 days used for considering that the engagement has not being merely casual but is more or less of a long term nature with attribute of a provisional employee.

5. It has been held by other Benches of this Tribunal that a provisional employee has a right to be considered when a process of regular selection is taken up, irrespective of whether his name is sponsored by the employment exchange or not. In this view of the matter we dispose of this application at the admission stage with a direction to the respondents that, as and when they take up the question

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of filling up posts of Waterman/Wash boy on a regular basis, the name of the applicant shall also be considered even though his name may not be sponsored by the employment exchange, subject to his satisfying all other conditions.

R.C.Bhatt

(R.C.Bhatt)
Member (J)

(N.V.Krishnan)
28.7.82

(N.V.Krishnan)
Vice Chairman

vtc.