

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO/153/93

~~EX-NO.~~

DATE OF DECISION 05.02.99

Mr. Hasmukh S. Rohit **Petitioner**

Mr. R.S. Gajjar **Advocate for the Petitioner(s)**
Versus

Union of India **Respondent**

Mr. B.N. Doctor **Advocate for the Respondent(s)**

CORAM

The Hon'ble Mr. V. Ramakrishnan : Vice Chairman

The Hon'ble Mr. P.C. Kannan) : Member (J)

JUDGMENT

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

Hasmukh S. Rohit,
C/O. Assistant Collector of
Central Excise,
Division Office, Div. VI.

....Applicant.

(Advocate : Mr. R.S. Gajjar)

Versus

1. Union of India, Notice to be
served through ,
Collector of Central Excise,
And Customs, Customs House,
Navrangpura,
Ahmedabad.

....Respondents.

(Advocate : Mr. B.N. Doctor)

ORAL ORDER
O.A/153/93

Date : 05.02.99

Per Hon'ble Shri V. Ramakrishnan : Vice Chairman.

We have heard Mr. Gajjar for the applicant and Mr. Doctor for the respondents.

2. The applicant was engaged as a casual labour in the office of the Collector of Customs and Central Excise A'bad and was performing the duties of Farase. He submits that he was working for the period from 02.10.90 to 15.03.92 which is not disputed by the respondents in the written statement. However, his services were terminated in 1992 without any written order. We find from the written statement that he was being paid some fixed amount for cleaning lavatory, bathrooms etc. in spite of being given the regular services. *Seal*

3. Mr. Gajjar states that the applicant has functioned for more than one and half years and for more than 516 days and as per the relevant instructions his services should have been continued and should not have been terminated. He also refers to the orders of the Tribunal in O.A/245/88 disposed of on 18.04.90 (Copy at annexure A-1). He prays for a direction to the respondents to take back the applicant in service but does not press for back wages.

4. Mr. Doctor for the respondents refers to the written statement stating that the applicant was not borne on the regular establishment but was working as a daily wager and that he is not covered by the O/M dated 13.12.83 and 21.06.85 enclosed with the O.A. He refers to the averments in the written statement that the engagement of such persons would depend upon the need. He however, does not dispute the contentions that services of Faras would continue to be required in the department.

5. We have carefully considered the submissions of both the counsel. In an office like Collector of Customs and Central Excise there will be need for faras or safaiwala. We also find that the applicant was working from Oct'90 to March'92 and respondents have not stated that his work was un-satisfactory.

6. In the circumstances, we direct the respondents to re-engage the services of the applicant as casual labour expeditiously within a fortnight from the date of receipt of a copy of this order, without any back wages. After such engagement as casual labour the

...4...

department shall examine his eligibility for regularisation in accordance with the relevant rules/scheme.

7. With the above directions, the O.A is finally disposed of with no order as to costs.

P.C. Kannan
(P.C. Kannan)
Member (J)

V. Ramakrishnan
(V. Ramakrishnan)
Vice Chairman

mb

CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI

Application No.

CA/153/93

of 19

Transfer Application No.

Old Writ. Pet. No.

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated: 26/2/99

Countersigned.

Section Officer/Court Officer.

16/4/99

Signature of the Dealing
Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

CAUSE TITLE 98/153/93

NAME OF THE PARTIES Mr. H. S. Rohit
VERSUS

VERSUS

4-07 803