

CENTRAL ADMINISTRATIVE TRIBUNAL:  
CUTTACK BENCH: CUTTACK.

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Original Application No.676 of 1992.

Dated of Decision : 18.6.92

Gurudev Naik ..... Applicant.

Versus,

Union of India & Ors ... Respondents.

For the applicant:- M/s.Devanand Misra, Deepak Misra, R.N.Naik, A.Deo, B.S.Tripathy, P.Panda, D.K.Sahu, Advocates.

For the Respondents: MR.Ashok Mishra, Senior Standing Counsel.

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C O R A M :

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN.

A N D

THE HONOURABLE MR. H.RAJENDRAPRASAD, MEMBER (ADMN.)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ?
2. To be referred to reporters or not ? NO
3. Whether Their Lordships wish to see the fair copy of the judgment ?

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JUDGMENT.

K.P.ACHARYA, V.C.

This is an application under section 19 of the Administrative Tribunals Act, the petitioner prays for a direction to the Opp. Parties to regularise the services of the petitioner.

2. The case of the petitioner is that he was working as Sweeper on daily wage basis under Opp. Party No.3 with effect from 1st. March, 1992. Further case of the petitioner is that although he has rendered his services to the full satisfaction of the superior authorities and although he is a scheduled caste his case was not favourably considered for regularisation and that <sup>his</sup> ~~the~~ service was dispensed with after he fell ill on 27.12.91. The representation made by the petitioner before the Opp. Party No.2 on 7th February, 1992 for regularisation and re-engagement did not yield any fruitful result and therefore this application is filed with the aforesaid prayer.

3. In their counter the Opp. Parties have stated that since the petitioner has not rendered continuous service for 206 days as contingent labour, under the Rules, he was not eligible to be considered for regularisation. Since there was no work available to be entrusted to the petitioner on contingent basis he could not be engaged and therefore the case is devoid of merit and liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned counsel for the petitioner and Mr. A. K. Misra, learned standing counsel. The fact that continuous services as a Casual Labour for 206 days is required under rules to consider for regularisation is not in dispute. It was equally an undisputed fact that the petitioner has not rendered 206 days of continuous service. In the circumstances stated above, we do not find any illegality to have been committed by the Opp. Parties. Hence the case is devoid of merit and dismissed. No costs.

However, before parting with this case we would observe that as and when work is available the petitioner be engaged as a contingent labour.

  
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MEMBER (ADMINISTRATIVE)

  
\_\_\_\_\_  
18/6/93.  
VICE-CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack./ Hossain.

18.6.93