

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 25.11.05

None appears for the applicant nor the applicant is present in person.

Although the matter was adjourned to today to provide one more opportunity to the applicant to prosecute his case but today also none appears.

However Mr. A.K. Bose, Id. Counsel for the Respondents is present and heard.

As the matter is dragging on from Oct., 04 and the applicant is not showing due interest in prosecution of the matter, with the aid and assistance of Mr. Bose, I have perused the records placed before me.

The applicant in this O.A. has prayed for a direction to be issued to the Respondents to regularise his services in Group-D posts under Res. No. 3 within a time stipulation and to allow the applicant to continue in his respective post till his regularisation.

The Respondents in the reply have stated that the applicant's case has no merit on the following grounds.

It is not disputed that he was engaged as a daily wage worker from 1.9.97 from time to time as per the requirement of the school. Further the applicant had also earlier faced disengagement on several occasions due to non-availability/non-requirement of his service on 28.10.91, 25.4.92 and 24.7.92. Their stand is that the applicant has been given engagement as and when there was work and he was never offered any job on a long

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copies of order
prepared for counsel
for both side.

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SO. (5)

time basis further, that no offer of appointment has been issued to him after 24.7.92 although his services have been utilised as and when required by the Vidyalaya Authorities on daily wage basis. In the circumstances, they have submitted that the applicant does not have any vested right to claim regularisation. Further, on the point of law, they have submitted that the ^{affidavit} Group-D's are regulated under the recruitment rules and the applicant does not, in any way, fulfill the qualification required either for the post of cook or other Group-D posts like Mess Helper/Chowkidar etc... He is not eligible for the post of cook because for appointment to that post a candidate ^{is} required to have experience in cooking for 5 years otherwise he cannot be considered for the same. Similarly, for the post of Mess Helper and Chowkidar, the applicant who is now over 50 years of age is age barred. Over and above that, he has to fulfill the educational qualifications prescribed for this purpose.

For the above reasons, the Respondents have submitted that the case of the applicant cannot be considered outside the ambit of the recruitment rules.

Having heard the Ld. Counsel for the Respondents and having perused the recruitment rules for the various Group-D posts available under the Respondent Organisation, I see no merit in this O.A. which is, accordingly, disposed of being devoid of merit.

[Signature]
Vice-chairman