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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 28.9.2000.

O.A. No. 01/1998

Vasu Dev Rawal, S/O Shri Kuma Ram aged about 24 years, R/O Nehru Colony, P.O. Sanchore, District Jalore. Last employee as a Casual Labour under Respondent No.2.

... Applicant

Vs

1. Union of India through Secretary, Subsidiary Intelligence Bureau, Ministry of Home Affairs, Government of India, Delhi.
2. Assistant Subsidiary Intelligence Bureau, P.O. Sanchore District Jalore (Rajasthan)

... Respondents

Mr. Y.K. Sharma, Counsel for the Applicant.

Mr. N.M. Lodha, Counsel for the Respondents.

COURT :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman
Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for quashing the verbal termination order dated 12.4.1993, and for a direction to the respondents to take the applicant back in service with all consequential benefits and further to pay the applicant regular pay scale of Chowkidar as permissible in Department from the date of his initial appointment.

2. Applicant's case is that the applicant's name was sponsored by the Employment Exchange for the post of Chowkidar in the respondent-department and the applicant was selected

Gopal Singh

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for the post and joined his duty on 16.4.1991. That the applicant's services were terminated by verbal orders of the respondents on 12.4.1993 without assigning any reason. The applicant had submitted a representation dated 15.4.1993, followed by a reminder dated 16.3.1993, but to no avail. Hence, this application. Contention of the applicant is that he had been in continuous service from 16.4.1991 to 12.4.1993 for almost two years and thus he has completed more than 240 days with the respondents and hence the termination of the applicant was illegal. It is also contended by the applicant that the post of Chowkidar on which the applicant was working is still lying vacant.

3. In the counter, it has been stated by the respondents that the applicant was engaged to perform certain work for certain hours, which may be termed as part time on a fixed monthly wage of Rs.500/-. When his services were no longer required because the work for which the applicant was engaged came to an end, his services were terminated. It has been contended by the respondents that the applicant worked on part time basis on a monthly wage of Rs.500/- and the applicant was not regularly appointed for the post and, therefore, the prayer of the applicant cannot be granted. The O.A. therefore, deserves dismissal, avers the respondents.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. The fact that the applicant was engaged on part time basis is not disputed and in terms of the judgment of Hon'ble the Supreme Court in (1996) 11 SCC 341, ^{part time} employees cannot seek regularization in terms of Government of India scheme for regularization. It has been stated by the respondents

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that the applicant was engaged for the specific job and for a specific period and when the job was over, the applicant's services were terminated. We do not find any irregularity or illegality in the action of the respondents so as to call for our intervention.

5. In the light of above discussion, we are of the view that the application is devoid of any merit and deserves to be dismissed.

6. The Original Application is accordingly dismissed with no order as to costs.

Gopal Singh
(GOPAL SINGH)

Adm. Member

B.S. RAIKOTE
(B.S. RAIKOTE)
Vice Chairman

J

8/10/07
2007

10/10/2007

Part II and III destroyed
in my presence on 10/10/07
under the supervision of
section officer () as per
order dated 10/10/07

Magan
Section officer (Record)