

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R

.....
Date of order : 07.01.2000

O.A.NO. 94/1999

Sukh Ram S/o Shri Dula Ram, aged about 32 years, R/o Vill. and Post Daidess, Tehsil Nohar, Distt. Hanumangarh last employed on the post of Mazdoor in the office of 24 Field Ammunition Depot (FAD) 56 A.P.O.

.....APPLICANT.

VERSUS

1. Union of India through
Secretary to Government of India, Ministry of Defence,
Raksha Bhawan, New Delhi.
2. The Commandant, 24 Field Ammunition Depot C/o 56 APO
3. The Director General of Ordnance Services,
Army Headquarters, DHQ, PO New Delhi.

.....RESPONDENTS

For the Applicant
For the Respondents

Mr.J.K.Kaushik
Mr.Vineet Mathur

CORAM :

HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

.....
PER HON'BLE MR.A.K.MISRA :

The applicants have filed the present O.A. with the prayer that the respondents may be directed to reengage the applicant on the post of Mazdoor in pursuance of his selection held in 1993 giving preference over the fresh persons as per rules, with all consequential benefits.

2. We have heard the learned counsel for the parties and have gone through the case file.

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3. It is alleged by the applicant that in August 1993 applicant was given a call letter to appear in interview for the post of Casual Mazdoor to be held on 16th August. The applicant successfully appeared in the interview and passed the physical test. The applicant was subjected to medical test and was given appointment as Casual Mazdoor, on which post he joined in terms of his appointment. The applicant continued to work as Casual Mazdoor thereafter. It is further alleged by the applicant that all of a sudden, the services of the applicant were terminated but thereafter the respondents engaged fresh Mazdoors and thus the action of the respondents in summarily dispensing with the services of the applicant is illegal. On the other hand, it was contended by the respondents that the appointment of the applicant was on casual basis. Even the appointment letter mentions that he is appointed for 89 days, therefore, the applicant cannot claim to continue on the post on the basis of his appointment. It is further alleged that the post of Mazdoors are contingent posts and no regular appointment could be given on such posts. Therefore, the O.A. deserves to be dismissed.

4. Both the learned counsels elaborated their arguments on the lines of their pleadings which we have considered.

5. From Annex.A/1, it is clear that the applicant was given an appointment on the post of Casual Mazdoor temporarily for 89 days and the nature of vacancy was of a casual labourer. Therefore, in our opinion, the appointment of the applicant cannot be said to be on regular basis and on a sanctioned post. The applicant cannot claim to be regularly appointed simply because his name was sponsored by the Employment Exchange, he was interviewed and medically examined. In our opinion, looking to the nature of

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appointment the applicant cannot claim to be reinstated on the post of Mazdoor. The O.A. in our opinion, deserves to be dismissed.

6. The O.A. is, therefore, dismissed. However, it is observed that in case respondents are engaging Casual Mazdoors on contingency basis then the case of the applicant for re-engagement as Casual Labour be considered as and when need arises.

7. No orders as to cost.

Gopal Singh
(GOPAL SINGH)
Adm. Member

AM
7/11/2000
(A.K.MISRA)
Judl. Member

mehta