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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH,JODHPUR

Original Application No.258 to 260 of 2003
Date of Decision : this the 4th day of October,2004.

Hon'ble Mr. Kuldip Singh, Vice Chairman
Hon'ble Mr. G.R. Patwardhan, Administrative Member

Mahendra Pal Jawa S/o Shri Atmaramji Jana
Aged 32 years, R/o Shiv Bari, Ambedkar Colony
Bikaner – presently working as daily wage Sweeper.
(Applicant in OA 258)

Panna Lal S/o Shri Ramesh Chandraji Rawat
Aged 25 years, R/o Ganesh Chowk Colony,
Bikaner,presently working as daily wage Sweeper.
(Applicant in OA 259)

Mathura Prasad Meena S/o Shri Ram Sahayaji Meena
Aged 32 years, R/o Shiv Bari Ambedkar Colony
Bikaner, presently working as daily wage Paniwala.
(Applicant in OA 260)

.....Applicants.

[None for applicants]

Versus

1. Union of India through Secretary,
Ministry of Finance, Department of Revenue,
Government of India, North Block,New Delhi.

2. Commissioner Customs (Prev.)Jodhpur -
Headquarters at Jaipur.

3. Assistant Commissioner, Customs Division,Bikaner.

.....Respondents in OAs

[By Mr. Kuldeep Mathur, Advocate, for respondents]

ORDER
[BY KULDIP SINGH, VICE CHAIRMAN]

By this common order, we will dispose of three cases listed above, as the facts and law involved in all of them is common.

2. All these OAs have been filed seeking the following relief :-

> "It is, therefore, most humbly prayed that this Original Application may kindly be allowed with costs and the respondents may kindly be directed to consider the case of the applicant for grant of temporary status as well as for regularisation on the post of Sweeper with all the consequential benefits."

3. In OA No. 258 and 260 of 2003, the applicants were appointed on daily rated basis as Sweeper and Paniwala in the year 1993 whereas in OA No. 259/2003 the applicant was appointed on the post of Farrash in the year 1996 as Casual Labourers. All of them are now seeking regularisation and grant of temporary status. The respondents who are contesting the case, have filed their reply stating therein that the applicant in OA 258/2003 had served the Department as a Casual Labour and he was paid out of Contingent Paid Staff (Part Time) from November 1993 to June 2003, applicants in OA 259/2003 and OA 260/2003, have also served the Department in the same capacity and they were paid out of the same head from November 1996 to June 2003 and from August 1993 to June 2003 respectively. But, it is stated that at the time of filing this application, none of the applicants were on the pay rolls of the respondent department as their services had already been disengaged, so they are not entitled for regularisation as no post exists now.

4. We have heard the learned counsel for the respondents. None appeared for the applicants even in the second round when

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the case was called, so we decided to proceed under Rule 15 of the C.A.T. (Procedure) Rules, 1987.

5. The applicants have alleged in their applications that they are still working under the respondents and that is why they had asked for grant of temporary status and regularisation of their service. But when their contentions have been denied by the respondents in reply, the applicants have not controverted the same by filing any rejoinder. On the contrary, the respondents have categorically alleged that their services have been disengaged from June 2003 – if the applicants had any grievance against that order, they should have assailed the order of their disengagement but since that has not been done meaning thereby, applicants have accepted their disengagement. So the question of regularisation of their service or grant of temporary status does not arise.

6. In view of our above discussions, we find that none of the O.As. is maintainable, the applications are, therefore, dismissed with no order as to costs.

Sd/-
(G.R.PATWARDHAN)
MEMBER (A)

Sd/-
(KULDEP SINGH)
VICE CHAIRMAN

CERTIFIED TRUE COPY
Dated 6.10.2004

अनुभाग अधिकारी (न्याय.)
Section Officer (Judl.)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर न्यायपीठ, जोधपुर
Jodhpur Bench, Jodhpur.

jrm

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6/10/04

For - IKM deep Metro
Adm.

Reg. Copy

7-10-04

Form II and III destroyed
in my presence on 30/10/2013
under the supervision of
section officer (J) as per
order dated 18/10/2013

Section officer (Record) 30.10.2013