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CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH JODHPUR

**ORIGINAL APPLICATION NO. 36/2003
THIS THE 19TH DAY OF DECEMBER 2003**

**HON'BLE MR. G.R. PATWARDHAN,
ADMINISTRATIVE MEMBER**

Shom Singh S/o Shri Walaji
R/o Post and Vill. Goa,
Tehsil Mount Abu, Dist. Sirohi
(Presently applicant is not in service)

(By Advocate Mr. Vinay Jain for the applicant)

....Applicant.

versus

1. Union of India through Secretary
Ministry of Defence, Govt. of India
Raksha Bhawan, New Delhi.
2. Station Commander
Air Force Station, Mount Abu,
District Sirohi.
3. Officer-In-Charge,
Air Force Canteen,
Mount Abu,
District Sirohi.

.....Respondents.

(By Advocate Mr. Vineet Mathur, for respondents.)

ORDER

Per Mr. G.R. Patwardhan, Administrative Member

This is an application by Som Singh resident of
Village Goa, District Sirohi, praying for a suitable direction to

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the respondents especially, Officer-In-Charge, Air Force Canteen, Mount Abu, District Sirohi, to take him back on duty and pay him the minimum pay of the post on which he is working and to regularise him from the date when persons junior to him, have been regularised with all consequential benefits.

2. There are three respondents – Union of India though Secretary, Ministry of Defence, Station Commander, Air Force Station, Mount Abu and Officer-In-Charge, Air Force Canteen, Mount Abu. There is no specific order against which this application has been moved except some verbal order whereby the applicant is not being given work.



3. The admitted facts of the case are that the applicant has been working in the Canteen since 1988 as a casual labour and despite his representations to the authorities to regularise him, he was not allowed to work and communicated verbally that his services are no more required.

4. It is also alleged that persons who are junior to him, have been given regular appointments but, the claim of the petitioner has been over-looked. There are six annexures to the petition, Annex.A/1 certifies that the petitioner was working on daily wages since 1988, Annex.A/2 is a kind of Character certificate, Annex. A/3 is a Testimonial, Annex. A/4

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is a Notice from petitioner's advocate requesting that his services be regularised, Annex. A/5 is reply to the notice indicating that a suitable reply would be sent after getting necessary instructions from the Headquarters of Air Force and Annex. A/6 is another Notice from the petitioner's advocate seeking relief from the Officer-In-Charge of the Canteen.

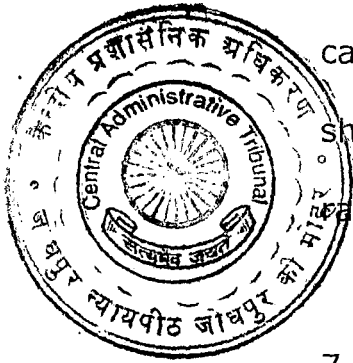
5. Detailed reply has been filed on behalf of the respondents i.e. Station Commander, Air Force Station, Mount Abu, in which the claim of the petitioner and his contentions have been replied. It has been reiterated that the petitioner was a daily rated employee and was engaged for doing odd jobs in the canteen area. It has also been mentioned that he was not engaged against any group 'D' post and that when some similarly situated persons filed an O.A. before this Tribunal (OA No. 182/1994), the case was heard in detail and the Tribunal was pleased to dismiss their petition as devoid of any merit. With respect to the allegation that some other similarly situated persons were regularised, it has been mentioned that three persons were regularised on the vacancies of permanent Anti Malaria Lascars as per rules after the required provisions were gone into and that the case of the applicant cannot be compared with these appointments.



6. Learned advocates for both the parties have been heard. It is clear that the case is one of a casual labourer under the respondents who was engaged for doing jobs that

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came up from time to time. There was no post against which the petitioner seems to have been appointed and to that extent, there is no right that has been created and none that can be protected. There is no dispute about non-payment or short payment for the work performed. As such, the claim raised by the petitioner is without any merit.



7. In the result, the application is dismissed without any order as to costs.

G.R. Patwardhan
19/12/23

(G.R. Patwardhan)
Administrative Member

jrm



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Section officer (Record.) 17.10.2013