

Central Administrative Tribunal
Calcutta Bench, Calcutta

OA 188/1997

This the 13th day of April, 2005

Hon'ble Shri S.K. Malhotra, Member (A)
Hon'ble Shri G. Shantappa, Member (J)

Swapan Mondal,
Son of Subal Mondal,
Village & P.O.-Tarakganj,
P.S.-Karimpur, Dist.-Nadia.

..Applicant.

(None for the applicant)

Versus

1. Union of India through
the Secretary Ministry of
Labour, New Delhi.
2. Welfare Commissioner
Labour Welfare Organisation,
162, S.P. Mukherjee Road,
Calcutta.
3. Medical Officer,
Static Cum Mobile Unit
for Beedi Workers Welfare
Organisation, Govt. of India,
P.O.-Karimpur, District-Nadia.

..Respondents.

(By Advocate Ms. K. Banerjee)

O R D E R (ORAL)

By Hon'ble Shri S.K. Malhotra, Member (A):

This OA has been filed by the applicant for directing the respondents to absorb him in the post of Group-D (Chowkidar).

2. The facts of the case in brief are that the applicant has been an active social worker and was offered to work in a project for Family Welfare Education for Beedi Workers as part-time field worker in 1992. He was accordingly appointed to work under the Medical Officer, Static-Cum-Mobile Unit for Beedi Workers Welfare Organization against the

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salary of Rs.300/- per month. He also worked as daily-rated Chowkidar under ILO-UNFPA project. Later a post of Chowkidar fell vacant in the office of Medical Officer, Static-Cum-Mobile Unit for Beedi Workers Welfare Organization in the year 1995 and he was given appointed to the post of Chowkidar as class-IV staff in which post he worked temporarily from March to June, 1995. Thereafter his services were discontinued and in his place one Shri Sribash Chandra Biswas was posted as Chowkidar, without any notice to the applicant. His request is that he should be absorbed against the post of Chowkidar in the above organization.

3. The respondents have filed their reply in which they have stated that a post of Chowkidar existed at State-cum-Mobile Medical Unit, Karimpur which was reserved for SC category. Action was initiated to fill-up this post, however, till the vacancy is filled-up on regular basis, the applicant was engaged as casual worker (Chowkidar) on purely temporary basis for the period from March to June, 1995. Later, Shri Shribash Chandra Biswas was appointed on regular basis who joined the post on 6-7-1995 and as such the services of the applicant were dispensed with.

4. We have heard the learned counsel for the respondents. As nobody appeared on behalf of the applicant even on second call, we, therefore, proceed to adjudicate the case in terms of Rule 15(i) of Central Administrative Tribunal (Procedure) Rules, 1987.

5. From the facts and circumstances explained in the OA as well as in the reply given by the respondents, it is observed that the applicant was never appointed on the post of Group-D (Chowkidar) on regular basis. He was only engaged on casual and temporary basis, till the

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post is filled-up on regular basis in terms of the relevant Recruitment Rules. It was only a stop-gap arrangement. After the regular incumbent joined, the services of the applicant were terminated. Engagement of the applicant for three months on temporary does not give him any legal right either for absorption or for regular appointment. The applicant has also not cited any rules/guidelines or scheme under which his services could be regularized or he could be absorbed. In case he was interested for regular appointment, he was required to participate in the regular selection process under the Rules which he didn't do. There is thus no justification whatsoever for his absorption or for regular appointment.

6. In view of the above, the OA fails and is accordingly dismissed.
No costs.


G. Shantappa)
Member (J)


(S.K. Malhotra)
Member (A)

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