

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No. 490 /2006
This, the 7th day of January 2008

Hon'ble Mr. Shankar Raju, Member (J)

Lakhan Pal aged 40 years S/o late Sri Tej Pal R/o Lilmatha Bazar Lucknow.

Applicant.

By Advocate: None.

Versus

1. Union of India through the Engineer in Chief, MES Kashmir House New Delhi.
2. The Chief Engineer, MES, Head Quarter Central Command Lucknow.
3. The Commander Works Engineer, MES, Central Command, Lucknow.
4. The Garrison Engineer (P) E/M, MES Central Command Lucknow.

Respondents.

By Advocate: Shri K.K. Shukla.

Order (Oral)

By Hon'ble Mr. Shankar Raju, Member (J)

Under the policy of the Govt regularization of casual worker except those who have continued for 10 years as an exception carved out in the constitutional mandate of Apex Court in Secretary, State of Karnataka and others Vs. Umadevi (3) and others 92006) 4 SCC 1, cannot be countenanced in law as being violative of Article 14 of the Constitution of India.. The claim of applicant as directed by the Tribunal was considered and SLP filed was also rejected on 16.4.90. Accordingly, the claim of the applicant for regularization having worked till 1996 for 240 days in two consecutive years cannot be sustained as no direction can be issued by the Tribunal de hors the constitution to regularize the service of a casual worker test on exception carved out in the decision (Supra). Accordingly O.A. is bereft of merit and is dismissed. No costs.

S. Raju
(Shankar Raju)
Member (J)

HLS/