

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW.

O.A. No. 90 of 1990

Prem Kumar

Applicant

versus

Union of India & others.

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr.K. Obayya, Adm. Member.

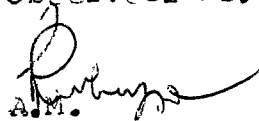
(Hon. Mr. Justice U.C.Srivastava,V.C.)

After reference of the applicant on the ground that he has not completed 240 days, the applicant has approached this Tribunal praying relief against the refusal but also against his termination. He was initially appointed as casual labour in the office of Regional Pay and Accounts Officer, National High Way, Ministry of Transport, on 28.4.1987 but the formal order were issued on 2.6.87. According to the applicant since then he has been continuously working except with breaks of one day on every Sunday. He was informed that his services are no longer required and he need not attend the office. According to the applicant he was a workman and the employer was an Industry. He has put in more than 240 days of service and could not be terminated without following the provisions of Industrial Disputes Act.

2. The respondents have opposed the application pleading that the applicant was on daily wages. he was appointed for a period until a regular clerk duly selected by the Staff Selection Commission joined. When SriMunner a duly selected candidate from S.S.C.was appointed, the work of casual labour no longer being available, the casual employment was not required. The respondents have refuted

the allegation that the department of Surface/^{Transport} is
~~xxx~~ an Industry.

3. The appointment letter indicates that the applicant was appointed as casual labour. It maybe that the work of Typist was taken from him, but the L.D.C. in Govt. of India is made after adopting certain procedure and as such the contention of the applicant that he has nothing to do with the appointment of Shri Munner cannot behold/^{to be} a ground. Although the applicant was a casual labour and the work was taken from him, in case the work of typist was taken from him, there appears to be no reason why the applicant be not given reemployment while re-considering the case of the applicant for re-employment he will be given priority over new comers. Application is disposed of with the above observations. No order as to costs.


A.M.


V.C.

Shakeel/-

Lucknow: Dated 16.12.92.