

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 20th day of Sept., 96.

O.A. No. 261/96

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. V.K. SETH, MEMBER(A)

Parush Ram aged about 37 years, son of Sri Rameshwar resident of village Anlop Khera hamlet of village Mati Pargana Bijnore Tehsil and District Lucknow.

Applicant

By Advocate Shri R.D. Agrwal.

versus

1. Union of India through Secretary Mining and Geology, Ministry of Mining and Geology Shastri Bhawan New Delhi.
2. Director of Administration, G.S.I. 4, Chaurangi Lane, Calcutta.
3. Dy. Director General, G.S.I. Northern Region, G.S.I. Complex, Aliganj, Lucknow.

Respondents.

By Advocate Shri Sunil Sharma.

O R D E R

HON. MR. V.K. SETH, MEMBER(A)

Vide this O.A. the petitioner has sought his re-absorption and appointment as regular Group D staff or as a regular scale contingent worker in the Northern Region of G.S.I. at Lucknow.

2. Pleadings have been exchanged between the parties and we have perused the records. We have also taken note of the rival contentions advanced by the learned counsel for the two sides during the course of hearing.

3. As per O.A. the applicant has been engaged as contingent worker for intermittent periods commencing from 29.7.71 upto October, 1990. Aggrieved, by his disengagement the petitioner has come up before this Tribunal.

4. In support of his claim the applicant cites the provisions of O.M. dated 11.7.74 of Department of Personnel and A.R. circulated by the G.S.I. vide their letter of 9th August 1974. He also asserts that he has completed more than 240 days as casual worker including the broken periods.

5. In view of the above, we may first refer to the O.M. cited. The said OM actually invites attention to the instructions issued on the 2nd of December, 1966 by the same Department and 12th February, 1969 and interalia clarifies that a casual labourer who has put in at least 240 days of service as casual labourer (including broken period of service) during each of the two years of service referred to in the OM of 2nd December, 1966, will be entitled to the benefit provided therein i.e. will be eligible for appointment to posts on regular establishment in that office/establishment without any further reference to employment exchange.

3. We however, notice that pleadings of the applicant nowhere include any material which may bring the case of the applicant within the ambit of the above provisions. In the grounds, the applicant has only stated that he has completed more than 240 days including the broken periods. It is not mentioned that he has completed 240 days during each of the two years. The certificate enclosed as Annexure-2 indicates the

engagement of the applicant for total period of 106 days between 15.10.76 and 15.2.77. Annexure-3 indicates his engagement as Water Sprinkler for 10 days in 1980. The Certificate at Annexure-5 indicates the applicant's working for 32 days in November-December, 1980 and 48 days in January-February, 1981.

4. In his Rejoinder he has cited some muster rolls for some months in 1971 to 1973 without indicating the number of days for which he was paid through each muster roll. We thus find that the applicant has not been able to make out any case in favour of his claim. Incidentally, we also note that the respondents in their Counter Affidavit have given details of the engagement of the applicant between 15.10.1976 and 28.2.1981 which add up to a total of 196 days only i.e. far short of the requirement of the O.M. cited by the applicant.

5. In view of the foregoing discussions, the applicant's claim for absorption and appointment as regular group D staff lacks merit. The O.A. is therefore, dismissed. However, it will be open to the respondents to re-engage the applicant as a casual worker if approached by the applicant, but we issue no directions in this behalf.

6. In the circumstances of the case, there shall be no order as to costs.

MEMBER(A)

VICE CHAIRMAN

Lucknow; Dated: 20-9-96

Shakeel/

B. Chakravarthy