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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this, the 24th day of Nov., 1994

O.A. No. 579/92

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

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

Krishna Murari, aged about 22 years son of Sri Bansari Lal, resident of village Banwari Purwa, P.O. Rura, District Kanpur Dehat.

Applicant.

By Advocate Shri R.K. Yadav.

versus

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Dy. Director of Military Farms head Quarters, Central Command Lucknow.
3. The Officer Incharge, Military Farms, Lucknow.

Respondents.

By Advocate Shri A.K. Chaturvedi.

ORDER

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

We have heard the learned counsel for the parties. The applicant was engaged as daily wage labourer in the Military Farm. He alleges that he has been orally asked not to come to duty on 12.7.92.

2. In the counter affidavit it has been indicated that the applicant, with effect from 12.7.92, did not report for duty on his own. The applicant's engagement was only for seasonal work. In view of the stand taken in the Counter Affidavit the applicant, on his own has not been reported with effect from 12.7.92. There is no averment that

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the work and conduct of the applicant had been unsatisfactory. We feel that the interests of equity demands that the respondents be directed to allow the applicant to join the duty as daily wage labourer which was his previous status if he reports within a period of 15 days of the receipt of copy of this order. The claim for regularisation on the basis of various circular letters need not be adjudicated at present in view of the fact that in the Counter Affidavit, the respondents have themselves in paragraph 8 ~~have~~ indicated that the applicant shall be considered for regularisation as per seniority amongst casual workers/daily labourers after fulfilment of the recruitment rules like age limit, sponsoring through employment exchange etc. against the available permanent establishment. We have no manner of doubt that the respondents will not act in the light of the stand taken by them in the aforesaid paragraph. In view of the above, the O.A. is allowed with the direction that if the applicant reports for duty within 15 days from the date of receipt of copy of this order, the respondents shall allow him to join duty as a daily labourer. No order as costs.

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MEMBER(A)

B. Saksena
VICE CHAIRMAN.

Lucknow: Dated: 25.11.94
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