

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Transfer Application 158 of 1992

IN

Original Application No. 1379 of 1989

Dwarika Prasad Tiwari Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C. Srivastava, VC

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava,VC)

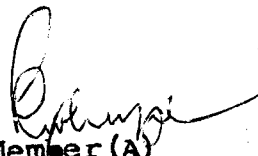
By means of this application, the applicant has prayed that the respondents be directed to re-instate the applicant in service on the post of Chaukidar at Kalin Bunai Prashikchan Kendra Bikapur, district Faizabad and that salary may also be paid him and his services as Chaukidar may be regularised and promotion may be given.

2. The applicant who was initially as daily wages worker on 5.5.1979 and continued till 4.5.1980, whereafter, he was not allowed to work and thereafter, the applicant was allowed to work for various days in every month till 4.11.1987 and when he demanded the certificate about his working periods in the Kendra, but the certificate was given only the working period from 15.5.1979 to 4.5.1980. The certificate dated 4.11.1987 has been filed, which is Annexure-I to this application. When the applicant demanded the certificate of the further period of the working days, but he was told that the rest of the records were burnt in the fire. The applicant made a representation for his regularisation and for service.

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but nothing has been done so far, and that's why the applicant has moved an application in this behalf. The certificate which was given to him on 4.11.1987 also indicates that he has worked for 334 days. The applicant has worked as a daily wage worker upto the year 1980 beyond which there is no proof, the applicant can not claim a right for regularisation, but in view of the facts that he has worked, as such he is to be considered for re-appointment in preference to another person. Accordingly, this application is disposed of with a direction that the respondents shall consider the case of the applicant for re-appointment in preference to any new comer or any junior person who has worked during the said period. The respondents shall also make an enquiry whether he has worked between 1980 to 1987, as alleged by him and if the salary for the said period has been paid to others, his case shall be considered alongwith other similar cases for regularisation, though, back wages may not be paid to him. With the above observations, the application stands disposed of finally. No order as to cost.


Member (A)


Vice-Chairman

Lucknow Dated: 18.11.1992.

(RKA)