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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 340 of 1990

Phool Singh Applicant

Versus

Union of India & Others Respondents

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

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

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

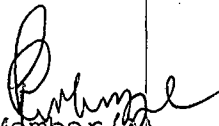
The name of the applicant was sponsored by the Employment Exchange Lucknow vide letter dated 10.10.1989 and as such the applicant was offered the job to work as contingent Empty Driver on daily wages basis @ Rs. 30/- per day. The applicant was asked to join by 31.10.1989, but actually he joined his duty on 26.10.1989 as a Driver. According to the applicant he was also issued a certificate for working and he continued to work. The services of the applicant were terminated vide order dated 5.9.1990, which order was communicated to him on 12.9.1990. Aggrieved against the same, the applicant has approached this tribunal contending that of course he was given an appointment and a requisition was sent to the employment exchange for the post of Driver, which was lying vacant and there was no rhyme and reason for the respondents to terminate his services. It has been further contended that he has worked for more than 240 days in a year as such his regularisation in the last year -ly should not have been confirmed.

2. The respondents have not denied the facts that the post is not lying vacant and have also stated that some regular employees have already been appointed, but it has been contended that the applicant was purely and daily wage appointee and as such he has no right to the

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said post and as per rules he was required to put in two years as casual worker with at least 240 days during each of two years for regularisation and as such the applicant did not work for 240 days during each of two years and as such he is not entitled for regularisation. May it be so, if the post is lying vacant and no regular appointment has been made, there appears to be no reason why the applicant should not be allowed to continue in service. Accordingly, the respondents are directed to allow the applicant to continue to work as Driver again. In case, there is no criminal case ~~is~~ pending and there is no serious charges levelled against him, he is entitled to the said post, so long the regular appointment is not made. The applicant's case will also be considered for regularisation, in case, he fits in within the same. With these observations, the application is disposed of as above. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 10.12.1992.

(RKA)