

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

ORIGINAL APPLICATION NO. 713 of 1995

DATE OF ORDER : 31.07.2001.

Satya Narayan Sahu, son of Basudeo Sahu, resident of
Chutia Power House Road, Behind Mission Girls School,
P.S. Chutia, District - Ranchi.

.....APPLICANT.

By Advocate Shri R.K. Srivastava.

Versus

1. The Union of India through the Accountant General
(Bihar) P.O. Hinoo, Doranda, Ranchi.
2. The Principal Accountant General (Accounts and
Entitlement)-I (Bihar) Ranchi.

.....RESPONDENTS.

By Advocate Shri V.M.K. Sinha, Sr.Standing Counsel.

C O R A M

Hon'ble Mr. Justice S. Narayan, V.C.

Hon'ble Mr. L. Hmingliana, Member (A)

O R D E R

By L.Hmingliana, M(A):-

The applicant was engaged on 10.10.1991 in the
office of the Accountant General, Ranchi, and on 3.2.1995,
he was directed not to work. He claims ~~that he was~~
working as Roneo Operator, and the person named as Vijay
Khalkho, a casual labour was appointed to work as
Roneo Operator in his place, and he (Khalkho) was also
replaced by one Munna Sahu who was also a casual labour.
His prayer is for quashing and setting aside the oral
order, asking him not to work and for regularisation


of his service as Roneo Operator.

2. It is undisputed that the applicant began to work in the office of the Accountant General on 10.10.1991. It is stated in the written statement filed on behalf of the respondents that he was engaged as contingent menial for short intermittent periods between October, 1991 to December, 1994, and he was paid wages for the days he was engaged. It is also stated that the contingent menials are engaged in the office from time to time to carry out activities of casual and the intermittent nature ~~as~~ and when ~~need~~ arises, and the engagements were for carrying vouchers, filling water and watering gardens and such miscellaneous items of work. It is further stated that the post of junior Gestetner Operator for which the applicant is seeking regularisation, is a promotional post for Daftaries with three years regular service, and the question of considering the applicant for appointment to that post does not arise.

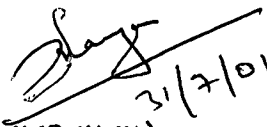
3. The applicant himself does not have much to show that he was engaged as Roneo Operator, ^{and that} He was engaged for operating Roneo Machine from 10.10.1991 till he was orally told not to work. He has produced a certificate granted to him by the Senior Accounts Officer in the office of the Principal Accountant

General dated 3.8.1993, stating that he had been working in the record section (with frequent breaks in his service) as contingent menial for operating Roneo Machine from 10.10.1991 till the date of issue of the certificate. His father who was a retired employee of the Accountant General made a representation dated 27.8.1994 to the Principal Accountant General for his regularisation in service, and the reply dated 26.10.1994 from the office was that his son (the applicant who was working in the office as daily wagger would be considered at the appropriate time as per rules. Then, the applicant is not entitled to relief from the Tribunal for his regularisation in service on the basis of the information he has given to us. It appears that he was no more than a person who was engaged as a menial occasionally as and when ^{the} need arose in the office of the Accountant General, and it is obvious that his engagement was not through the Employment Exchange or after a selection process by a duly constituted selection body.

4. The application is dismissed. There shall be no order as to costs.


(L. HMINGLIAN A) 31/7/01
MEMBER (A)

/CBS/


(S. NARAYAN) 31/7/01
VICE-CHAIRMAN