

1.

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.176 of 2006

Date of order : 1<sup>st</sup> May, 2006

C O R A M

Hon'ble Mr. P.K.Sinha, Vice-Chairman

K.N.Sinha .....

Applicant

Vrs.

Union of India & Ors. ....

Respondents.

Counsel for the applicant : Shri R.K.Choubey

Counsel for the respondents : Shri N.K.Sinha , ld.ASC

O R D E R [ ORAL ]

Justice P.K.Sinha, Vice-Chairman :-

Heard both sides on admission. The applicant claims to be working as Coach attendant on casual basis since 1995. He further claims that now the respondents have stopped taking work from him. The prayer is to direct the respondents to regularise the services of the applicant as Coach Attendant or, in alternative, in any other suitable post and to pay the wages for past work to which he is legally entitled to. In so far as prayer for regularisation or placing him permanently in a regular post is concerned,

*Final*

attention of the ld. counsel for the applicant was drawn to the judgment of the Apex Court in the case of State of Karnataka vs. K.G.S.O. Canteen Employees Welfare Association; 2006 [1] SLJ 353, and this Tribunal expressed the view that in view of the aforesaid decision of the Apex Court, no direction can be issued about the regularisation of the applicant who evidently was not so engaged, or appointed to any regular post, in accordance with the constitutional scheme and the Rules having force of law. The ld. counsel for the applicant submitted that the other prayer may be considered which is for payment of wages for work for the period already done by him. The ld. counsel for the applicant also submits that the decision in K.G.S.O. Canteen Employees Welfare Association [supra] does not prohibit engagement of a person on ad-hoc basis or as a casual labour, hence for re-engagement some direction may be issued.

2. No order or direction can be issued to the respondents to regularise the applicant. But under some specific circumstance, a Govt. Department may sometimes have to engage some persons on casual basis for doing particular work, for a certain period. The respondents may consider any such prayer made by the applicant as and when such occasion arises.

3. In that view of the matter, this application is disposed of with following directions :-



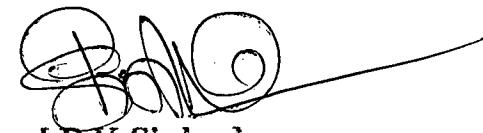
3.

[i] The applicant, if within a month of this order, produces before the Respondent No.3, the Senior D.C.M., E.C.Railway documents in support of his doing work in past ~~for which he claims~~ for which he claims wages, the respondent no.3 will examine the matter and if he finds that the work was taken from him and wages have not been paid to him for a particular period, he will issue an order for such payment within two months of the receipt of such representation by the applicant. The applicant within a month will produce a copy of this order along with a copy of the application and his documents relating to the claim of past wages.

[ii] If there is need to appoint some one afresh on casual basis as Coach Attendant or to related work in future, and if the applicant applies for that, then his case may be considered. This will, however, abide the discretion of the respondents.

[iii] Prayer for regularisation is rejected.

4. This application is disposed of, accordingly. No costs.



[ P.K.Sinha ]  
Vice-Chairman

mps.