

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: **22 JUN 1995**

APPLICATION NO. 1644 of 1994.

APPLICANTS: Mr. K. Nagaraja,

V/S.

RESPONDENTS: Secretary, Archeological Survey Deptt. New Delhi
and three others.,

To

1. Sri. Vighneshwar S. Shastri, Advocate,
No. 95, Eighth Cross Down, Malleswaram,
Near Bank of Baroda, Bangalore-560 003.
2. Sri. M. Vasudeva Rao, Additional Central
Government Standing Counsel, High Court Bldg,
Bangalore-560001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 13-06-1995.

Issued on
22/06/95

[Signature]

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gm*

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NO.1644/1994

DATED THIS THE THIRTEENTH DAY OF JUNE, 1995

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

MR. T.V. RAMANAN, MEMBER (A)

Sri K. Nagaraja
Son of Gadla Basappa
Aged about 41 years
Occ. Casual Labour
Office of the Conservation
Assistant, Archeological
Survey of India
No.114, Main Road
Jayanagar IIInd Cross
Shimoga.

.... Applicant

(By Shri Vighneshwar S. Shastri, Advocate)

Vs.

1. The Union of India represented
by its Secretary to Archeolo-
gical and Survey Department
New Delhi - 110 011.
2. The Director General
Archeological Survey
of India, Government of
India, Janapat Nagar
New Delhi.110 011.
3. The Superintending Archeologist
Archeological Survey of India
No.364, 16th Main Road
IV T Block, Jayanagar,
Bangalore-560 041.
4. The Conservation Assistant
Archeological Survey of India
No.114, Main Road,
Jayanagar IIInd Cross
Shimoga-577 201.

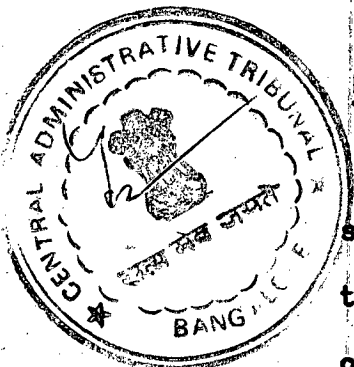
.... Respondents

(By Shri M.V. Rao, A.C.G.S.C.)

O R D E R

MR. T.V. Ramanan, Member (A):

Aggrieved by non-conferment of regular
status from the position of a casual/substitute labour
the applicant who was working earlier under the control
of respondent no.4 has approached this Tribunal.



2. We have gone through the reply statement filed on behalf of the respondents and we find that in order to be eligible to have his services regularised and appointed on regular vacancy the applicant does not fulfil the requisite condition which is essential for such regularisation, i.e., he should have put in at least 240 days during each year for 2 years. In this regard the respondents have produced a statement as at Annexure-R-1, which shows that the applicant had worked only intermittently during the years when he was employed as casual labour (substitute labour) and he had never worked for 240 days in any one of those years. He also ceased to be an employee of the respondents from June 1992. Taking into account the Government instructions on the subject the applicant is not entitled to be considered for regularisation. In fact, the applicant is no more working in the organisation of the respondents.

3. Learned counsel for the applicant makes a submission that the applicant could be considered for appointment as a casual labour even if he cannot be conferred the status of a regular employee owing to the conditions specified in the relevant instructions of the Central Government. Respondents counsel says that the department no more takes persons as casual labour and it is only managing with those casual labourers earlier recruited who have been conferred with temporary status or with the help of regular employees who are in the

Group 'D' cadre of Monument Attendants. Be that as it may, if the department were to recruit casual labour in future, say within a period of one year, then the department shall consider the case of the applicant on priority, subject to Government instructions, if any, governing such recruitment.

4. With the above observations, we dismiss this application. No order as to costs.

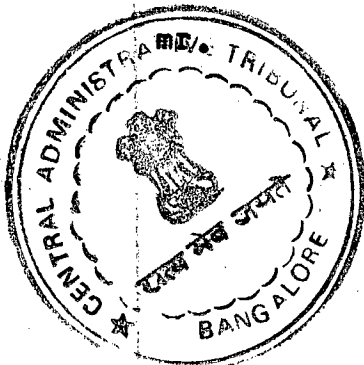
Sd-

(T.V. RAMANAN)
MEMBER (A)

Sd-

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY



[Signature]
22/6/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore