

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 651/91.

Dt. of Order: 25.8.1991.

D.Dasabath

Vs.

....Applicant

1. Union of India, rep. by its Secretary, Ministry of Steel & Mines, Department of Mines, Sastri Bhavan, New Delhi.
2. The Director General, Geological Survey of India, 27, Jawaharlal Nehru Road, Calcutta-16.
3. The Dy. Director General, Geological Survey of India, Southern Regional Office, Bundlaguda, GSI Complex, Near Kothapeta, Hyderabad.

....Respondents

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Counsel for the Applicant : Sri P.Subba Rao

Counsel for the Respondents : Sri N.V.Ramana, Addl.CGSC

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CORAM:

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE SHRI C.J.ROY : MEMBER (JUDL)

(Order of the Division Bench delivered by Hon'ble Sri C.J.Roy, Member (J)).

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Sri D.Dasabath filed this application under section 19 of the A.T.Act, 1985, claiming for a relief to direct the 2nd and 3rd Respondent to regularise the services from the date of his entry into service in pursuance of the memo No.49014/19/84 Estt.(C) dt.26-10-84 Ministry of Home, Department of Personnel & Administrative Reforms of India, New Delhi on par with that of regular skilled (Group-C) employees of the Department and to continue to pay the regular scale of pay as such every month on due dates forthwith.

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2. The applicant is an Electrician engaged on contract basis with effect from 11-10-85 at Rs.450/- per month in the Geological Survey of India, Southern Region Office formerly situated at Manoranjan Buildings, M.J.Road, near Exhibition Ground, Hyderabad now the office is shifted to Bandlaguda, G.S.I.Complex, Near kothapet, Hyderabad.

3. The applicant claims that he has been made as Part Time worker by the 3rd Respondent and put him with additional work in addition to his regular work of looking after the maintenance department. Consequently the applicant's monthly pay was fixed at Rs.500/- p.m. Thereafter the applicant made a request to the authorities to fix his pay at Rs.900/- per month on 22-12-87.

4. In response to the applicant's letter dt.22-12-87, the 3rd Respondent fixed his pay at Rs.650/- pm with effect from 1-12-87. Hence this application praying for treatment on par with regular scale employees.

5. The Respondents filed counter stating that the applicant was employed on contract basis on consolidated amount for specific work from October, 1985, to attend to electrical work/B.S.I.Buildings. It is also stated in the counter that whenever there is an increase of work, to carry out that work certain persons were engaged on purely temporary casual basis and the applicant is also one among them. The applicant is a contract employee and thus he cannot be treated on par with regular employees. When there is no work the contract need not be put into force. Since the applicant is not a regular employee, he cannot be placed in the status of a regular employee. It is also stated in the counter that the Ministry's order dt.26-10-1984 referred to in the relief is not relevant to the applicant's case since the same applied to the Group-D employees and hence the applicant cannot be equated to the Group-C employees. With the

above contents, the respondents state that the applicant is not entitled for the relief.

6. We have heard Sri P.Subba Rao, counsel for the applicant and Sri V.Rajeshwar Rao, proxy counsel for Sri N.V.Ramana, counsel for the Respondents.

7. Annexure A-I is letter No.49014/19/84.Estt.(C) dt.26-10-84, which reads as follows :-

"The undersigned is directed to say that as per the general instructions issued by this Department, the services of a casual worker may be regularised in a Group 'D' Post, provided interalia, he has put in two years as a casual worker, with 240 days or more of service as such, during each year. The number of days (240) was worked out with reference to 6 day week being observed in Central Govt. Offices. It has been brought to the notice of this Department that there are certain organisations, which have adopted the instructions issued by this Department about regularisation of services of casual workers, but who are observing a five day week. A question has been raised whether even in the organisations observing five day week, the requirement of 240 days or more of service during each of the two years may be enforced as it is, or whether the requisite number of days may be brought down proportionately.

2. The matter has been considered in this Department and it has been decided that in the organisations observing five day week, casual workers may be considered for regular appointment to Group-D posts, if otherwise eligible, if they have put in 2 years of service as casual worker, with 206 days of service during each year (as against the usual 240

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days). This may please be brought to the notice of all concerned."

8. It is seen from the above that the matter referred to in the above memo is only with reference to Group 'D' posts but not Group 'C' posts. That apart, the applicant was appointed only to ~~x~~ carry out the work on a purely temporary and casual basis and the applicant was also one among those engaged on contract basis. Since, the applicant is on contract basis, he cannot be equated with the regular employees. His services are required for a specific work and for a specific period. If there is no work, there is no contract for him to work. Mere possession of qualification is not sufficient but to get regular employment in Group 'C' post, he must satisfy the requirements of the Recruitment Rules for Group 'C' employees. Mere fact that he has worked for a particular period does not bestow any right on the applicant to be appointed for Group 'C' post which is mainly governed by the Recruitment Rules.

9. When the applicant is appointed purely on contract basis whenever there is work and that his payment was also made whenever work was taken from him, he does not get any right as such and the fact that he worked for a ~~considered~~^{considered} period does not bestow any right for regular post much less to Group 'C' post without fulfilling the eligibility conditions of the Recruitment Rules for Group 'C' posts. Hence, we do not want to interfere.

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10. The O.A. is accordingly dismissed with no order as to costs.

R. Balasubramanian

(R. BALASUBRAMANIAN)
Member (Admn.)

rsby
(C.J. ROY)
Member (Judl.)

Dated: 25th August, 1992.

52/9682
Deputy Registrar (J)

To

1. The Secretary, Union of India,
Ministry of Steel & Mines, Dept. of Mines,
Sastri Bhavan, New Delhi.
2. The Director General, Geological Survey of India,
27 Jawaharlal Nehru Road, Calcutta-16.
3. The Deputy Director General, Geological Survey of India, Southern Regional Office,
Bundlaguda, GSI Complex, Near Kothapeta, Hyderabad.
4. One copy to Mr. P. Subba Rao, Advocate- 4-1-198, Hanumantekda, Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd
6. One copy to Hon'ble Mr. C. J. Roy : Member (J) CAT. Hyd.
7. ^{VSP} One spare copy.

pvm.

Self Seal
25/8/92