

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :AT
HYDERABAD

O.A.No.694 OF 1997.

Date of Order:13-4-1998.

Between:

S.K.Subramanyam.

.. Applicant

and

1. Union of India, rep., by its
Secretary, Ministry of Defence,
New Delhi.
2. The Flag Officer, Commanding-in-Chief,
Eastern Naval Command,
Visakhapatnam.
3. The Admiral Superintendent,
Naval Dockyard, Visakhapatnam.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.Suryanarayana Sastry

COUNSEL FOR THE RESPONDENTS:: Mr.K.Bhaskara Rao

CORAM:

THE HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

: O R D E R :

ORAL ORDER(PER HON'BLE SRI H.RAJENDRA PRASAD, MEMBER(A))

Heard Mr.Suryanarayana Sastry for the Applicant
and Mr.K.Bhaskara Rao for the Respondents.

2. The applicant seeks regularisation of his services on the strength of the fact that he was engaged from 1982 to 1995 on casual basis. It is disclosed by the respondents that the applicant, along with 1400 other candidates, was

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sponsored by the Employment Exchange in 1982 for recruitment as casual labourer. The respondents selected 355 candidates from amongst the sponsored candidates. The applicant was not among them. Subsequently he was given daily wage employment for 29, 52, 100 and 140 days during the years 1993, 1994, 1995 and 1996, respectively. While this was so, [] some of the persons engaged on casual basis in 1982 were subsequently brought on to the permanent establishment in terms of an approved scheme. Some of these persons may have been registered in Employment Exchange at a later date than the applicant; these are the persons whom the applicant refers to as his 'juniors'. Be that as it may, one of the primary conditions for regularisation was minimum performance of duty for 240 days in a year on casual basis. The applicant does not fulfil this basic condition. Hence he has no case for regularisation.

3. On examining the circumstances of the case and taking note of the fact that the applicant has not worked for 240 days ^{seen to be} in any year, the applicant is not covered by the Scheme evolved by the Government for conferment of temporary status and regularisation of services. The mere fact of his having at one time been issued a gate-pass, which too was only temporary, does not strengthen his case in any way. The question as to whether or not any of his 'juniors' were regularised does not alter this position at all, since the applicant fails to fulfil the primary condition for regularisation.

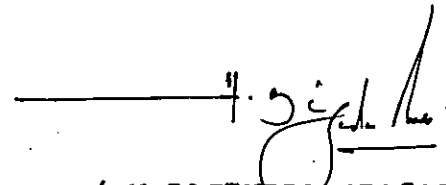
4. Mr. Bhaskara Rao cited the following Judgments in support of his contention that a brief, casual employment, based on the fluctuating requirements of work would not in any case entitle the casual labourer to claim regularisation: K.K.AMBUJAKSHI Vs.

Q. 61
13/4

FOCNC, COCHIN AND UNION OF INDIA (O.P.No.1129/96, Kerala High Court) and STATE OF HIMACHAL PRADESH Vs SURESH KUMAR & ANOTHER (reported in 1996(2) SC 455).

5. In view of the above facts, the O.A. has to be disallowed on merits. The same is accordingly disallowed. No costs.

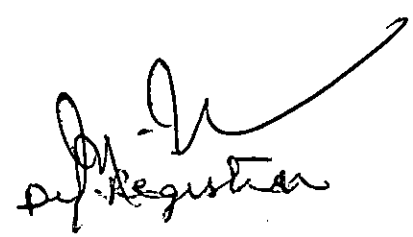
6. While disposing of this case, there cannot be any doubt that, as long as work exists, and the type of job which the applicant was performing continues to be available, his engagement shall be duly considered for such casual appointment whenever feasible.


(H. RAJENDRA PRASAD)
MEMBER (ADMN)

Dated: this the 13th day of April, 1998

Dictated to Steno in the Open Court.

DSN


Registrar

O.A.694/97.

To

1. The Secretary, Ministry of Defence,
Union of India, New Delhi.
2. The Flag Officer, Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam.
3. The Admiral Superintendent, Naval Dockyard,
Visakhapatnam.
4. One copy to Mr.Suryanarayana Sastry, Advocate,
5. One copy to Mr.K.Bhaskar Rao, Addl.CGSC. CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.
8. One spare copy.

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30/4/98

I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 13-4-1998.

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No. 694/92

T.A.No. (w.p.)

Admitted and Interim directions
issued.

Disallowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

27 APR 1998
Deputy Secretary
RECEIVED
विभागाध्यक्ष/DEPUTY SECRETARY
HYDERABAD BENCH