

Date of Decision: 01.2.95.

OA 536/93

VED PRAKASH SHARMA ... APPLICANT.

v/s.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI S.K. VIAS.

For the Respondents ... SHRI K.N. SHRIMAL.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant Ved Prakash Sharma, in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed for a direction to the respondents to consider his case for regular appointment as a Group-D employee under the Chief Controller of Accounts, Ministry of Surface Transport, New Delhi.

2. We have heard the learned counsel for the parties and have considered the records of the case carefully.

3. The applicant served as casual labour on daily wages in the office of Pay and Accounts Officer (IH), Ministry of Surface Transport, at Jaipur. The applicant is registered with the Employment Exchange. During the period of his engagement from December, 1988 to 31.5.1993 he had put in more than 206 days of service for the years 1989, 1990, 1991 and 1992. Since the Employment Exchange did not sponsor his name, he was not called to appear before the Selection Committee for filling in the post of Chowkidar on 31.5.93. The applicant thereafter made representation but the same was rejected by an order dated 22.3.93 (Annexure A-1). On the other hand, the respondents have stated that the applicant was a daily wagen, engaged for cleaning of office, dusting of furniture and serving of water to the members of the staff. He was not engaged for performing the duties of a Chowkidar. He was advised to get his name sponsored by the Employment Exchange for the post of Chowkidar but it was not done. It is also stated by them that no post of Peon was

sanctioned due to ban.

4. The applicant has relied on Annexure A-3, which relates the to general terms and conditions for employment of casual labour.

On the basis of this document, the learned counsel for the applicant urged that the benefit of about four years continuous service as casual labour should be accorded to the applicant. It is true that the applicant served as a casual labour in the office of respondent No.3 at Jaipur for more than 4 years.

5. In view of the facts and circumstances stated above, we direct the respondents to consider the applicant's case for appointment to any Group-D post in case he fulfils the eligibility criteria and his case is covered by the DPMT OM No.49014/18/84-Estt.(C) dated 7.5.85 against a vacancy which may arise in future.

6. This application stands disposed of accordingly, with no order as to costs.

(O.P. SHARMA)
MEMBER (A)

C/Krishna
(GOPAL KRISHNA)
MEMBER (J)