

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

(10)

Date of order: 9-8-1996

OA No. 564/96

Jagdish

.. Applicant

Versus

Union of India and Anr. .. Respondents

Mrs. Babita Sharma, Brief-holder for

Mr. R.N.Mathur, counsel for the applicant

Mr. Manish Bhandari, counsel for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. O.P.Sharma, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant Jagdish son of Shri Bhonri Ram has claimed in this application under Section 19 of the Administrative Tribunals Act, 1985, a direction to the respondents to the effect that he should be engaged as casual labour in the service of the respondents and his seniority be counted as such from the date of his initial appointment.

2. We have heard Mrs. Babita Sharma, Brief-holder for Mr. R.N.Mathur, counsel for the applicant and Mr. Manish Bhandari, counsel for the respondents and have carefully perused the records.

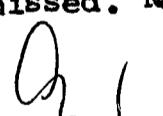
3. The applicant's case is that he was initially engaged as Casual Labour on 23-2-1979 and he has worked till 20-9-1983. He has served for a period of 945 days continuously but he was not allowed to work thereafter. His averment is that despite vacancies, he was not called and the respondents had engaged fresh persons as Casual Labourers. It is also stated that the respondents have violated the circular dated 13-8-91 at Ann.A5.

The action of the respondents in not engaging the applicant after 20-9-1983 has been assailed as being illegal.

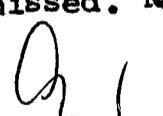
4. On the contrary, the respondents have stated that the applicant was never appointed as Casual Labour and the one who was appointed as Casual Labour was Shri Jagdish son of Shri Bherilal resident of Khan Bhanari, who has expired on 24-10-1989 and it is not true that the applicant has worked continuously for a period of 945 days. It is also stated that since the applicant has not worked and tried to impersonate Shri Jagdish son of Shri Bherilal, no question had arisen for giving him any temporary status. The certificate exhibited at Ann. A2 related to Shri Jagdish son of Shri Bheriya (Bherilal) and it does not pertain to the applicant.

5. The contention of the respondents in the reply that the applicant was neither appointed nor did he work and that the certificate Ann. A2 does not in fact relate to him and it relates to Shri Jagdish son of Shri Bheriya (Bherilal) has not been controverted by the applicant by way of filing a rejoinder to the reply or any affidavit.

6. In the result, this application is hereby dismissed. No order as to costs.


(O.P. Sharma)

Administrative Member


Gopal Krishna
Vice Chairman