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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.369/93

Date of order: 18.11.1996

Laxmi Narain : Applicant

Vs.

Union of India & Anr. : Respondents

Mr.P.V.Calla : Counsel for applicant

Mr.U.D.Sharma : Counsel for respondents

CORAM:

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

Hon'ble Mr.Patan Prakash, Judicial Member

PER HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER.

In this application under Sec.19 of the Administrative Tribunals Act, 1985, Shri Laxmi Narain has prayed that respondent No.2 namely the Accountant General (Audit) Rajasthan Jaipur may be directed to consider the candidature of the applicant for regular appointment on the post of Farrash in view of the memorandum dated 6.4.1993 by which he was called upon to appear in the selection process for the aforesaid post. He has further prayed that if the applicant is found suitable, he may be appointed on the post of Farrash in the regular scale of pay. There is yet another prayer that the retrenchment of the applicant may be declared to be illegal and he may be allowed to continue on the post of Farrash.

2. The case of the applicant as stated by him is that he is a member of Scheduled Caste community and as per his information his date of birth is 20.9.1968. Some time in June 1986, he had applied in the office of respondent No.2 for appointment on the post of Farrash and he was appointed on the said post by verbal orders on daily wage basis. As per his information, he worked on the said post during 1986, 1987, 1988, 1989, 1990 and 1991 for different number of days. In the office of respondent No.2 appointments are given on the post of Farrash to candidates who belong to general castes and those

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who do not belong to Scheduled Caste communities and they work at the residence of the officers in the office of respondent No.2 but their salary is drawn against the post meant for Farrash to be filled-up by appointing Scheduled Caste candidates. As per the policy decision of the Central Govt, services of those employees working as Farrash who have already completed 3 years of service are being regularised through a selection committee and such selected candidates are provided the scale of pay of a Group-D employee, i.e. Rs.750-940.

3. Further, according to the applicant, he received a memorandum dated 6.4.1993 (Annex.A3) by which he was asked to appear for the process of selection on 26.4.1993. For the purpose of selection, he was asked to bring certain documents with him. The applicant appeared in the office of respondent No.2 on the fixed date but he was not allowed to participate in the interview as 'Employment Card' was not available with him because it had been lost by him. The applicant represented that he had lost his old Employment Card. Then asked the applicant to furnish the number of his old Employment Card and also informed him that the process of interview would continue till 29.4.1993 and he was asked to bring a new card and appear for interview on 27.4.1993. The applicant procured a new Employment Card and prayed on 29.4.1993 that his candidature may be considered. However, his prayer was not accepted. The applicant has placed on record a copy of letter written by one Shri S.K.Vyas, Leader, Staff side, Departmental Counsel, addressed to respondent No.1, the Comptroller and Auditor General of India, wherein amongst others, the irregularities in the matter of appointment of Group-D employees were brought to his notice (Annex.A7). A telegram dated 29.4.1993 was also sent by the Secretary, SC/ST Uplift Union, AG Branch, Jaipur, to the Comptroller & Auditor General of India, New Delhi (Annex.A8) in

which also the wrong policies adopted in the matter of recruitment of Group-D employees were highlighted. The applicant had also submitted a representation to the Welfare Officer in the office of respondent No.2 alleging that although he had appeared for selection thrice but he was not given regular appointment. He had also alleged that not only was appointment not given to him but his services were also dispensed with (Annex.A9 which is undated). The applicant's case is that he was appointed on daily wage basis and had worked for a long period and is therefore entitled to continue on the post of Farrash. He has prayed that the process of selection may be quashed and he may be considered for regular appointment on the post of Farrash in view of memorandum dated 6.4.1993.

4. The respondents in the reply have stated that the applicant was never engaged as Farrash but was engaged as a casual worker on daily wage basis for performing duties of a casual and intermittent nature such as cleaning, lifting of furniture, etc. and he had worked from 1986 to 1991 for varying number of days ranging between 11 days and 192 days. It is not clear to which policy of the Govt. of India the applicant has made reference regarding recruitment to the post of Farrash. The post of Farrash is a Group-D post to which recruitment is made in accordance with the statutory recruitment rules. They have denied that persons employed as Farrash are asked to work at the residence of the officers in the office of respondent No.2. Those who are already working as contingency paid employee in the office concerned are considered for recruitment to the post of Farrash provided they are registered with the Employment Exchange and possess the requisite qualifications for appointment as such. Since the applicant was already working as casual labour in the office of respondent No.2, he was asked to appear for interview on 26.4.93 and was also asked

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to bring all the relevant documents including the proof of his registration with the Employment Exchange, as required by the conditions stipulated in this regard. The applicant could not produce the proof of his registration with the Employment Exchange and therefore did not fulfil one of the conditions prescribed in the communication dated 6.4.93. Since he was not eligible in the absence of the proof of registration with the Employment Exchange, he was not interviewed. The card subsequently produced by the applicant was a new registration card indicating his registration with the Employment Exchange w.e.f. 27.4.1993. The communication sent by Shri S.K.Vyas has no relevance to the matter and Shri S.K.Vyas has no locus standii in the matter. Since the selection committee had made selection for appointment to the said post, there was no requirement to continue the applicant who was only a daily rated worker. Therefore, he was disengaged. The respondents have further stated that the post of Safaiwala/Farrash is filled-up by considering persons from all communities including SC/ST and such posts are not meant exclusively for Harijans. Concluding, the respondents have stated that since persons selected for the post of Farrash have already been appointed, the application has become infructuous.

5. During the arguments, the learned counsel for the applicant stated that the applicant was in fact asked by the office of respondent No.2 to bring a new registration card. He produced a new registration card. He should therefore have been allowed to participate in the process of interview. The learned counsel for the respondents stated that if the applicant had in fact been already registered with the Employment Exchange and was aware of the number of registration, as claimed by him, he should have procured a duplicate Employment Exchange registration card.

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6. We have heard the learned counsel for the parties and have gone through the material on record. If it was the contention of the applicant that he had lost the old Employment Exchange Registration Card and was aware of the number of registration, he should have obtained a duplicate card instead of a new registration. One of the requirements of Anxx.A3 dated 6.4.1993 as incorporated at item 3 thereof is that the candidate should possess a registration card which should be valid till the date of interview. The date of interview fixed by the said letter was on 24.6.1993. Evidently, the applicant procured a fresh registration with the Employment Exchange after the process of interview had started on 26.4.1993. Thus, the applicant did not fulfil this condition for the purpose of appearance in the interview. The respondents were, therefore, not unjustified in ignoring his candidature for finalisation of selection to the post of Farrash, etc. Other averments made by the applicant in this O.A have also been duly considered but these are not quite relevant to this case. The applicant is, therefore, not entitled to any relief. However, if a vacancy in the post of Farrash, etc. arises in future, the respondents may consider his case for appointment in accordance with the recruitment rules.

8. The O.A is disposed of accordingly with no order as to costs.



(Ratan Prakash)

Judicial Member.



(O.P. Sharma)

Administrative Member.