

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

T.A.No.01/2001

Date of order: 15/11/2002

1. Har Govind Saini, S/o Sh.Mangal Ram Saini, R/o Gram Semli, Tensil Nagar, Distt.Bharatpur.
2. Gokul Ram Koli, S/o Sh.Ganesni Lal Koli, R/o Gram Gadi Sawai Ram, Teh.Rajgarh, Alwar.

...Applicants.

Vs.

1. Navodaya Vidyalaya Samiti through its Director, A-39, Kailash Colony, New Delhi.
2. Dy.Director, Navodaya Vidyalaya Samiti, A-12, Shastri Nagar, Near Peetal Factory, Jaipur.
3. Principal, Jawahar Navodaya Vidyalaya, Knairtal, Alwar.

...Respondents.

Mr.Rakesh Sharma : Counsel for applicants

Mr. Mr.V.S.Gurjar : Counsel for respondents.

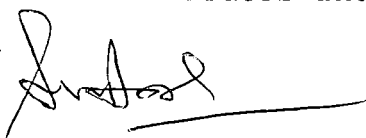
CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

A Civil Writ Petition No.6205/98 was filed by the applicants before the High Court which was transferred to this Tribunal and registered as T.A No.1/2001. The relief sought by the applicants in this application are to direct the respondents to pay them the salary of Cook in regular pay scale i.e. Class IV servants from the date of their initial appointment and to regularise their services on the post of Cook, i.e. Class IV post.

2. The case of the applicants is that applicant No.1 was initially engaged as Cook w.e.f. 25.11.92 by a verbal orders and was being paid Rs.500/- per month. Similarly



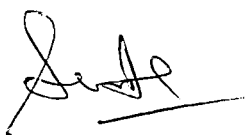
applicant No.2 was initially engaged as Cook w.e.f September 1995 by a verbal orders and was being paid Rs.600/- per month. It is stated that both of them have been continuously working on the post and they are working more than 8 hours per day but in order to deprive them the benefits of regularisation and salary they have been shown as part-time employees.

3. In the reply filed by the respondents, it is stated that applicant No.1, Har Govind Saini appeared and participated in the process of selection for the post of Chowkidar and has been appointed vide order dated 2.3.2001 and he joined on the post w.e.f. 7.3.2001. It is also stated in the reply that applicant No.1 desired for withdrawal of the present application. It is further stated that the applicants were engaged as part-time workers for cleaning of utensils and other extra work at the time of lunch and dinner. It is also stated that these workers are getting free mess facilities alongwith the students therefore they stay in the mess as such they are wrongly claiming as full time workers. It is also stated that part-time workers are not paid from salary head but from the boarding budget received for the students. Therefore, the applicants have no case.

4. Heard the learned counsel for the parties and also perused the whole record.

5. Shri Har Govind Saini, applicant No.1 has been duly selected on the post of Chowkidar and he joined on the post, therefore his prayer for regularisation has become infructuous.

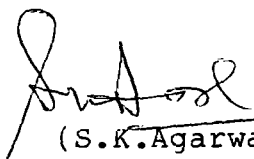
6. Part-time workers are not entitled to regular pay



scale at par with regular employees. In the instant case, it has been made very specific that the applicants were engaged as part-time workers for cleaning utensils and other extra works in the mess to help the Cook during lunch and dinner time and have also been provided with free mess facilities therefore, they stay at their own accord in the mess. In the reply the respondents have made categorically clear that the applicants were engaged only as part-time workers and they have not been treated as full-time workers and this fact could not have been specifically contradicted by the applicants by filing any rejoinder. It is settled principle of law that part-time workers are not entitled to regularisation and they are not entitled to regular pay scale at par with regular employees. Therefore, in my considered view, the applicant has no case for interference by this Tribunal and this O.A devoid of any merit is liable to be dismissed.

7. I, therefore, dismiss this O.A having no merits. However, it is observed that if applicant No.2 participates in a process of selection with the respondents' department for any Class IV posts, his previous experience may be given weightage.

8. No order as to costs.


(S.K. Agarwal)

Member (J).