

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER 02-7-2002

OA No. 523/99

Bansi Dhar Gujar son of Shri Pokhar Lal aged about 29 years, resident of Dhani Naya Bass, Panchayat Achrol, District Jaipur.

....Applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Mines, Government of India, New Delhi.
2. The Director General, Geological Survey of India, 27, JLN Road, Calcutta.
3. The Deputy, Director General, Geological Survey of India, Jhalana Doongri Office Complex, Jaipur.

....Respondents.

Mr. Kunal Rawat, Counsel for the applicant.

Mr. T.P. Sharma, counsel for the respondents.

CORAM

Hon'ble M.P. Singh, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. J.K. KAUSHIK, MEMBER (JUDICIAL)

In this application u/s 19 of the Administrative Tribunal's Act, applicant, Shri Bansi Dhar Gujar, has prayed for a direction to respondents to reinstate him in service with all consequential benefits quashing and setting aside order dated 13.9.99 (Annexure A/12) and also grant him semi

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2 permanent status on the post of Beldar/any Group 'D' post since 1990-91.

2. The brief facts of the case are that he was engaged on daily wage basis in the year 1989 and thereafter he had been continuing on the same and has worked under different officers. In support of his claim, he has submitted certain certificates indicating the duties of his work. It has also been stated that he has completed 240 days service with the respondents and he is also entitled to semi permanent status but instead of granting him due benefits, his services has been terminated by oral order dated 30.6.97. He has filed an OA No. 35/98 before this Tribunal which has been disposed of by order dated 3.4.98 (Annexure A/7) with the direction to decide his representation. Representation has been decided vide letter dated 13.9.99 (Annexure A/12) and his case has been turned down. Hence this application.

3. Respondents have filed their reply to the OA and have stated that there is no post of Beldar and therefore, the claim of the applicant is baseless. It is stated that applicant was engaged on daily wage basis in view of the availability of work on account of investigations and as soon as the investigation/s work comes to an end, the engagement of such Mazdoors on daily wage basis also comes to an end. Since there is no regular post available, the applicant cannot be granted any relief. The application is thoroughly misconceived and no appointment letter has been issued to the applicant.

4. The applicant has also filed rejoinder and has controverted the averments made in the reply in general and has reiterated the stand, which is taken in the OA.

5. We have heard the learned counsel for the parties and also perused the records.

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6. During the course of arguments, specific querries made to the learned counsel for the applicant as regards any appointment letter has been issued to the applicant and also as regards to any rule or policy under which he is claiming for grant of semi permanent status. As regarding the appointment letter, it has been said that no written appointment letter has been issued. However, on the other point i.e. regarding the policy for grant of semi permanent status, the learned counsel for the applicant expressed his inability to produce the same. On the other hand, learned counsel for the respondents submitted that there is no such policy of granting the applicant semi permanent status in the respondent department. One does not get any right if one has worked as Mazdoor, who are paid from 'congingency advances. The applicant was engated for a specified job and for a specified period and his services came to an end after completion of specified project. There is no need to issue any termination order. It has also been argued on behalf of the respondents that there is no post vacant in Group 'D' /Beldar in the department. The question of re-engaging / regularising the applicant does not arise.

7. The learned counsel for the applicant has repeated the averments made in the OA and has said that since he had completed more than 240 days, he is entitled to get the semi permanent status. He has also stated that certificate of the work were issued by the officers of the respondent department. It has also been stated that his representation ought to have been considered sympathetically but the same has been rejected by passing an order in a mechanical manner.

8. We have not been shown any rule/regulation or policy of the department providing for regularising the applicant, engaged on daily wage basis, for a fixed period, on the post Beldar/Group 'D' on the availability of the work and

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discontinuing after the work came to an end. In this view of the matter, we do not find any merit/force in this OA and hence no relief can be granted. Therefore, the OA ~~is~~ merits dismissal and we do so. No costs.

DKS
(J.K. KAUSHIK)

MEMBER (J)

MPS
(M.P. SINGH)

MEMBER (A)

AHQ