

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

O.A.No.567/1999

Jaipur, this 24th day of May, 2002

Hon'ble Shri M.P. Singh, Member (A)
Hon'ble Shri J.K. Kaushik, Member (J)

Narayan Singh Rulania
C-53, Mahesh Nagar
Jaipur

.. Applicant

(By Shri Maneesh Bhandari, through proxy
counsel Shri Anupam Agarwal)

Versus

Union of India, through

1. Director General
Archeological Survey of India
Janpath, New Delhi
2. Superintending Archeologist
Archeological Survey of India
70/133-140, Patel Marg
Mansarovar, Jaipur


.. Respondents

(By Shri S.M. Khan, Advocate, through proxy
counsel Shri Hassan Khan)

ORDER

Shri M.P. Singh, Member(A)

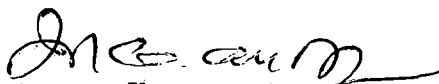
Heard the counsel for the parties and perused the records. The case of the applicant is that he was initially engaged as a Hindi Typist in July, 1989 on daily rated basis. When his services were terminated by a verbal order, he approached this Tribunal which by its order dated 16.7.93 set aside the action of respondents. But even prior to his termination, respondents had taken an administrative decision to provide him minimum pay scale of the post of LDC and accordingly he was allowed the basic pay of Rs.950 plus DA etc. Though he had made representations on ^{11.2}26.2.98 and 9.3.99 for grant of revised pay scale him as per the recommendation of the 5th Pay Commission, the same has not been extended. Aggrieved by this, he has filed this OA seeking directions to the respondents to regularise him as LDC and grant revised pay scale as recommended by 5th Pay Commission with all consequential benefits.

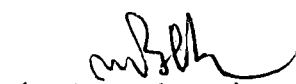


2. On the other hand, it is the case of the respondents that the applicant was engaged as skilled casual labour for Hindi typing work in the year 1989 and he was never appointed against any regular sanctioned post. He is working on daily wages as a skilled casual labour.

Therefore there is no question of granting him the pay scale of 5th Pay Commission. As per DoPT's OM dated 24.10.97, revised Group D scales are applicable only to casual labours with temporary status. That apart as per R/Rules notified on 15.6.68 by the respondents, posts of LDC are to be filled 100% by direct recruitment through SSC. In view of this position, the applicant is not entitled for any relief and the OA be dismissed.

3. Though the applicant claims that he has earlier filed OA, which is stated to have been disposed of on 16.7.93, and that he was allowed to work as LDC on the basic pay of Rs.950, neither has he annexed a copy of Tribunal's judgement dated 16.7.93 nor has he annexed a copy of any order issued by the respondents appointing him as LDC. Even the copies of certificates dated 25.3.1991 and 7.8.1996 issued by office of Respondent No.2 only proclaim that he is working as skilled labour (for Hindi typing work) on daily wages since July, 1989. Therefore, in the absence of any valid document to the aforesaid effect, we are unable to grant any relief to the applicant. In the result, we find no merit in the present OA and the same is dismissed accordingly. No costs.


(J.K. Kaushik)
Member(J)


(M.P. Singh)
Member(A)

/gtv/