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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 28.8.2000

OA 339/2000

Mohan Lal, Safaiwala in Defence Estates, Rajasthan Circle,
Jaipur.

... Applicant

v/s

1. Union of India through Director of Defence Estates,
Ministry of Defence, Southern Command, Pune.
2. Director General (Adm.Sec.), Defence Estates,
Ministry of Defence, R.K.Puram, New Delhi.
3. Defence Estates Officer, Rajasthan Circle, Khatipura,
Jaipur.

... Respondents

CORAM:

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

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Shiv Kumar

For the Respondents

... Mr.S.S.Hasan

O R D E R

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

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicant makes a prayer to direct the respondents to consider the case of the applicant for regularisation on the post of Safaiwala and further directions are also sought not to terminate the services of the applicant till the regularly selected candidate is available.

2. In brief, the case of the applicant is that he is working on the post of Safaiwala since 1.12.98. He was initially appointed as Part-time Safaiwala for 89 days and

after giving one day break he was again appointed for 89 days and in this way the applicant has completed 240 days service in one calendar year. It is stated that regular work is available with the respondents and ~~xxx~~ the applicant is having experience of Safaiwala but he has come to know that the respondents are going to terminate his services on the ground that his services are not required. Therefore, it is stated by the applicant that action of the respondents in not regularising the ~~xxx~~ services of the applicant is illegal, arbitrary and in ~~xxx~~ violation of Articles 14 and 16 of the Constitution of India. Therefore, the applicant has filed this OA for the relief as mentioned above.

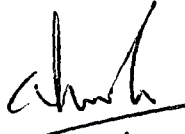
3. In the reply it is stated that the applicant is not entitled to regularisation on the post of Safaiwala as there is no sanctioned post and the applicant was only a part-time Safaiwala required for 1 - 2 hours per day. Thus, there is no requirement of permanent employee for cleaning the office and as such the applicant is not ~~entitled~~ entitled to the relief sought for.

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

5. On the perusal of the averments made by the parties it becomes abundantly clear that the applicant was engaged only as part-time Safaiwala purely on temporary basis and on a fixed remuneration. Initially the applicant was appointed for 89 days and thereafter he was again engaged after some break. It is stated by the respondents that the services of the applicant cannot be extended beyond 26.8.2000. In view of the facts of this case and the settled legal positio

that a part-time casual labour is not entitled for regularisation, we are of the considered opinion that the applicant is not entitled to regularisation because he was engaged as part-time Safaiwala and there is no sanctioned post for this purpose and no work is available for the post with the department. However, we observe that in case any part-time Safaiwala is engaged in future, the candidature of the applicant may also be considered by taking into consideration his experience gained on the post of Safaiwala.

6. With the above observations, this OA is disposed of at the stage of admission. No order as to costs.



(N.P. NAWANI)
MEMBER (A)

(S.K. AGARWAL)
MEMBER (J)