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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No. 207 of 1997.

15-7-1998.
DATE OF DECISION.....

Shri Dipon Nath (PETITIONER(S))

Shri J.L.Sarkar, M.Chanda, Ms N.D.Goswami. ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors. RESPONDENT(S)

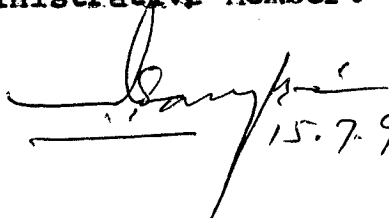
Shri S.Ali, Sr.C.G.S.C ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.


15.7.98

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 207 of 1997.

Date of Order : This the 15th Day of July, 1998.

Shri G.L.Sanglyine, Administrative Member.

Sri Dipon Nath,
Son of Sri Dipti Ranjan Nath,
Village Barenga,
P.O. Silchar,
Dist. Cachar, Assam

. . . Applicant

By Advocate S/Shri J.L.Sarkar,
M.Chanda and Ms N.D.Goswami.

- Versus -

1. Union of India,
through Secretary,
Government of India,
Ministry of Home Affairs,
New Delhi.
2. The Director,
Central Bureau of Investigation(C.B.I)
C.G.O.Complex,
Block No.3,
New Delhi-110003.
3. Deputy Inspector General (D.I.G)
Central Bureau of Investigation,
Guwahati.
4. Superintendent of Police,
Central Bureau of Investigation,
Panchayat Road,
P.O. Silchar,
Dist. Cachar (Assam)

. . . Respondents.

By Advocate Shri S.Ali, Sr.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

This application has been filed by the applicant praying for a direction on the respondents to appoint him on priority basis against available existing vacant posts of Constable or any other Group 'D' posts on regular basis under the respondents with immediate effect.

2. The applicant was appointed as Waterman (Unskilled) in the office of Central Bureau of Investigation (

CBI) Agartala Unit for a period of 3 months on 27.12.1990 at admissible rate of daily wages. His service was terminated on 4.3.1991. He was again appointed in the same capacity at daily wage of Rs.21/- per working day for 3 months with effect from 1.4.1991. It was terminated on 28.6.1991. He was again appointed for 3 months at the same rate with effect from 1.7.1991. He was again appointed at the same rate with effect from 1.10.1991. It was terminated with effect from 27.12.1991 and again appointed with effect from 28.12.1991 for 3 months at the rate of Rs.21/- per working day and it was terminated on 28.3.1992. He was appointed for 3 months with effect from 29.3.1992 at the rate of Rs.40.80 p. per working day. This was terminated with effect from 26.6.1992. He was again appointed at the same rate for 3 months with effect from 29.6.1992. It was terminated with effect from 25.9.1992. The applicant however claims that he continued to work till 31.12.1992. After a long gap the applicant was engaged on daily basis for 3 months with effect from 1.4.1995 in the CBI, Calcutta. Again he was engaged for a further period of 3 months with effect from 11.7.1995 in the same manner. This service came to an end on 10.10.1995.

3. Mr M.Chanda, learned counsel for the applicant, submitted that there are vacancies in the organisation of the respondents and in view of the long service of the applicant he has a right to be appointed against the vacancies of Constable or any other Group 'D' posts. Mr S.Ali, learned Sr. C.G.S.C, submitted that the service of the applicant was terminated long ago with effect from 25.9.1992 and after that he had joined as a Constable in the Tripura Police on 25.9.1992 bearing Constable No.2280. The applicant cannot have any

claim about his past service rendered in Agartala unit before his service was terminated in 1992. He was engaged in Calcutta office in 1995 as stated earlier and his services had come to an end on 10.10.1995 in terms of the engagement. Further, according to him, the applicant is an undesirable person and he cannot be considered for any appointment as it is seen from the facts that he was arrested by the Badarpur Police station on 31.12.1995 for impersonation and demanding illegal gratification from a Kerosene Oil dealer of Bhangabazar. A criminal case was registered against him. In these facts and circumstances he submitted that the applicant is not entitled to the reliefs prayed for. Mr Chanda has also submitted that the applicant is entitled to be granted temporary status under the scheme of "Grant of Temporary Status and Regularisation of Casual Labourers" in terms of the O.M. dated 10.9.1993. Mr Ali submitted that this scheme is not applicable to the applicant.

4. I have heard learned counsel of both sides. The scheme for Grant of Temporary Status and Regularisation of Casual Workers, which came into effect from 1.9.1993, as brought out by the Government of India vide office Memorandum No.51016/2/90-Estt(C) dated 10.9.1993 is applicable to Casual Labourers in employment in the Ministries/Departments of the Government of India and their attached subordinate offices on the date of issue of the orders. From the facts mentioned above, the applicant was no longer a casual worker under the respondents after 25.9.1992. Therefore, the scheme is not applicable to him. At any rate, he has forfeited all benefits of his past service as Casual Worker upto 25.9.1992 after he had joined in another service as Constable in the Tripura Police. The applicant was again engaged in the Calcutta

office of the respondents on 1.4.1995 and worked upto 10.10. 1995. Here also, even if the scheme is at all applicable to the casual workers engaged after the coming into force of the scheme, the scheme will not be applicable to the applicant in the facts of his case as he had worked for a period of about 6 months only. In the circumstances the applicant cannot get appointment against ^athe vacant post of constable or any Group 'D' post in the establishments of the respondents on the strength that he was a casual worker under them. Appointment by other methods of recruitment can be given to the applicant only by the respondents by taking recourse to normal process of recruitment. It is not for this Tribunal to issue any direction for appointment of the applicant through such processes. In view of the above, I find no merit in the application of the applicant. The application is dismissed.

No order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER

15.7.98