

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./K.X. NO. . 314 . . . of 1998.

3-5-2001.
DATE OF DECISION

Shri Laxman Prasad Ram

APPLICANT(S)

Sri M. Chanda.

ADVOCATE FOR THE APPLICANT(S)

-- VERSUS --

Union of India & Ors.

RESPONDENT(S)

Sri A. Deb Roy, Sr.C.G.S.C.

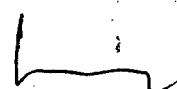
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K.K.SHARMA, 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 ?

5. Judgment delivered by Hon'ble Vice-Chairman



X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 314 of 1998.

Date of Order : This the 3rd Day of May, 2001.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

The Hon'ble Mr K.K.Sharma, Administrative Member.

Shri Laxman Prasad Ram
Son of Mohan Prasad Ram,
Satgaon, Narengi,
Guwahati-781 027.

... Applicant.

By Advocate Shri M.Chanda.

- Versus -

1. Union of India,
through the Secretary,
Government of India,
Ministry of Defence,
New Delhi.

2. Administrative Commandant,
Station Head Quarters, Narengi,
C/O 99 APO.

... Respondents.

By Shri A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J. (V.C)

By this application under Section 19 of the
Administrative Tribunals Act 1985 the applicant amongst
others seeking for a direction on the respondents for
regularisation and according temporary status. In the
application the applicant pleaded that on being sponsored
by the Employment Exchange on the basis of a requisition
made by the Station Head Quarter, Narengi the applicant
was employed as Conservancy Safaiwala on casual basis. On
his appointment he was entrusted with the duties and
responsibilities attached to a regular employee. According
to the applicant he worked as such till he was disengaged

on 1.5.98 on an oral order without any rhyme or reason. It was further stated that in the year 1997 a few posts were sanctioned and the applicant asked for his absorption and regularisation in those posts. But instead in a most illegal fashion the respondents appointed 6 persons, whose names were mentioned in para 4.4 of the application. The applicant referring to the Central Government policy for giving temporary status on the basis of the decision rendered by the Supreme Court as well as by the Tribunal submitted that he is also entitled for atleast getting the temporary status.

2. The respondents filed its written statement by denying and disputing the fact that the applicant was in fact engaged by the respondents. According to respondents no such person was employed as Conservancy Safaiwala on casual basis or otherwise by the Station Headquarter, Narengi respondent No.2 and at thattime no requisition was placed by the Station Head Quarter to Employment Exchange. It was also mentioned about the ban on employment as per Army Headquarter letter dated 28.5.1998. In the written statement the respondents also stated that on specific release of vacancies by the Headquarter requisition was placed on employment exchange. A selection test was held on 15.4.97. The applicant also appeared before the Selection Board but he was not found suitable. The respondents referring to the temporary pass issued to the applicant by Headquarter, submitted that the applicant was employed as a private servant to work in a Golf Club, which was a private organisation, passes were granted as a security measure to ensure security in the Military area.

3. We have heard Mr M.Chanda, learned counsel for the applicant at length as well as Mr A.Deb Roy, learned Sr. C.G.S.C for the respondents. On consideration of all the attending facts it is difficult to hold that the applicant

was in fact engaged as a casual worker by the respondent No.2. It appears that the applicant was seemingly engaged to the Golf Club, a private organisation by way of separate engagement. However, considering the service rendered by the applicant, we are of the view that the case of the applicant ^{also to} ~~also to~~ need be considered if any future vacancy arises ^{AWA} under the respondents as per law, alongwith the persons similarly situated. With this the application stands disposed of.

There shall, however, be no order as to costs.

K.K.Sharma
(K.K.SHARMA)
ADMINISTRATIVE MEMBER

D.N.Chowdhury
(D.N.CHOWDHURY)
VICE CHAIRMAN