

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
(CIRCUIT CAMP AT INDORE)

Original Application No: 831/2001

Indore, this the 20th day of April, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Member (J)

Lalit s/o Bal Krishan Bhagwat
(By Advocate: Shri A.K.Tiwari)

...Applicant

-versus-

Managing Director, Bhabha Atomic
Research Centre, & Others.

...Respondents

(By Advocate: Shri V.Saran)

O R D E R

By Madan Mohan, Member (J):

By filing this Original Application, the applicant has claimed the following main reliefs:

i) to direct the respondents to treat the applicant after 31.5.1989 in service/and permit him to perform his duties and regularise his service.

2. The brief facts of the case are that for appointment to the reserved post of Helper, names of the suitable candidates were invited from the District Employment Office, Indore. The applicant also appeared on due date with required documents. He was appointed on the post of Helper on 1.4.1988 and he started working from that very date. The applicant worked as such from 1.4.1988 to 31.5.1989 but his services were discontinued w.e.f. 1.6.1989. The applicant moved a representation to the respondents for his re-instatement on the aforesaid post and he was informed that recruitment to the post of Group 'D' is made only through Employment Exchange with advise to remain in touch with the Employment Exchange so that his name may be sponsored as and when the requisition

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is sent to the Employment Exchange for recruitment to the post of Group 'D' post. He further submitted that the applicant has worked for 445 days but his services have been illegally discontinued w.e.f. 1.6.1989. Hence, he is entitled to the relief prayed for.

3. Heard the learned counsel for both the parties.
4. It is argued on behalf of the applicant that the applicant started serving on the post of Helper since 1.4.1988 to 31.5.1989 i.e. for 445 days. He further submitted that if the holidays are excluded from the aforesaid period even then the working days of the applicant comes to 275 days i.e. more than 240 days which is the legal requirement for regularising the services of group 'D' employees and, therefore, the services of the applicant should not have been discontinued without giving an opportunity of hearing to him. The act of the respondents is thus against law and principles of natural justice.
5. In reply, the learned counsel for the respondents argued that in absence of regular posts, the respondents were engaging Group 'D' employees on casual basis through employment exchange. The applicant was also appointed as casual worker w.e.f. 1.4.1988 and his period of casual employment was extended from time to time. Since the services of the applicant were no longer required, the same was discontinued w.e.f. 1.6.1989. The applicant was also not satisfying the conditions stipulated in DOP&T CM dated 26th October, 1984 (Annex. R/1).
6. After hearing both the parties and perusing the record, we deem it appropriate to dispose of this Original Application by giving directions to the respondents that whenever any vacancy arises in their office, the applicant shall be given preference over the ~~direct recruits~~^{Juniors} and freshers in accordance

with law. We do so accordingly. No costs.

(Madan Mohan)
Member (J)

(M.P. Singh)
Vice Chairman

/na/

बृहांकल सं ओ/व्या.....लालपुर, दि.....
परिचयिति अवेदिता:-
(1) राधिक, उच्च नामांकन द्वारा उन्नीतिरुदार, लालपुर
(2) आवेदन द्विविधि/.....के काउंसल A.C. T. Wood
(3) पर्यायी क्षी/द्विविधि.....के काउंसल V. Soren
(4) विधायक, केन्द्री, जलपुर विधायक
सूचना एवं अवश्यक कार्यकारी देव
उप हाजरार

T. Wood
22-4-4