

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

**TA No.2/2014  
MA No.2795/2016  
MA No. 907/2015**

**this the 23<sup>rd</sup> day of May, 2017**

**Hon'ble Mr. V. Ajay Kumar, Member (J)**

Mahendra Prasad Yadav  
S/o Shri Jibachh Yadav  
Aged about 55 years  
R/o 11-A, Pandit Pant Marg, New Delhi.

.... Applicant

(By Advocate: Rakesh Kumar Singh)

VERSUS

1. Union of India through  
Secretary  
Ministry of Textiles  
Udyog Bhawan  
New Delhi.
2. Joint Secretary (Jute Division)  
Ministry of Textiles  
Udyog Bhawan  
New Delhi.
3. Chairman-cum-Managing Director  
Jute Corporation of India Ltd. (JCI)  
214, 1<sup>st</sup> floor, Vasant Enclave  
Vasant Vihar, New Delhi.
4. Shri Atri Bhattacharya  
Secretary  
National Jute Board (NJB)  
Regional Office Akashdeep Building  
5<sup>th</sup> Floor, Room No.509 and 508  
Tolstoy Marg, Connaught Place  
New Delhi – 110 001.
5. Executive Director  
National Center for Jute Diversification (NCJD)  
Regional Office, 95-Nehru Place, Vishal Bhawan  
New Delhi  
Now known as National Jute Board (NJB) shifted from  
Vishal Bhawan to Prakash Deep Building  
7-Tolstoy Marg,  
Connaught Place  
5<sup>th</sup> floor, Flat No.508 & 509,

New Delhi -110 001.

.... Respondents.

(By Advocate: Shri Indranil Ghosh for R-3  
Shri S.M.Arif for R-1, 2 & 4)

**ORDER (ORAL)**

Heard both sides.

1. It is submitted that the applicant was originally appointed as Typist on casual basis in the year 1990 under the respondents and accordingly continued with the same status till 2009 and in view of his long standing and continuous working for such number of years on casual basis he is entitled for regularization of his services w.e.f.1995 as certain similarly placed persons were regularized w.e.f.27.11.1995. As the respondents have not regularized the services of the applicant, in spite of his representations, he filed OA No.1933/2001 before this Tribunal, however, the same was dismissed on 02.08.2001 for want of jurisdiction. Thereafter Writ Petition (C) No.5639/2001 was filed before the Hon'ble High Court of Delhi and the matter was remanded back to the Tribunal and numbered as the instant TA No.2/2014.

2. The MA No.2795/2016, seeking amendment of the prayer of the OA as the applicant was dis-engaged w.e.f.2009 i.e. during pendency of the litigation is allowed.

3. It is the specific case of the respondents that the applicant and certain other similarly placed casual employees were allowed to participate in the selection process in the year 1995 for their regular appointment. When others were qualified in the said examination held in the year 1995 but since the applicant failed to qualify the same, his services were not regularized however, he had been continued till the year 2009. Accordingly, the respondents submit that applicant having failed in the selection process for regularization cannot maintain the present TA. As his services were not

required he was dis-engaged in the year 2009 and, therefore, there is no illegality in their action.

4. Even the applicant himself stated that identically placed persons were regularised in the year 1995 and he was excluded and no satisfactory explanation is forthcoming from the pleadings why he has not questioned the said action till date.

5. After the decision of the Hon'ble Apex Court in **Secretary, State of Karnataka and Ors vs. Uma Devi & Ors.**, (2006) 4 SCC 1, the issue of the regularization of casual/adhoc/temporary employees is well settled. Since the applicant's initial appointment was not against any regular vacancy he cannot have any indefeasible right for regularization of his services more so when his case was considered along with others and he failed to qualify himself in the examination.

6. In the circumstances, we do not find any merit in the O.A. and accordingly the same is dismissed.

Pending MAs, if any, stand disposed of.

**(V. Ajay Kumar)**  
**Member (J)**

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