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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10628/2015

OM PRAKASH

..... Petitioner

Through Mr. R.K. Shukla, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Vikas Mahajan, CGSC, Mr. Rohan Gupta & Mr. S.S. Rai, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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25.01.2016

As per the findings recorded by the tribunal, the petitioner had abandoned his job as casual worker and had not reported for duty after 1st April, 2010 till the MTS scheme was promoted by the respondents vide letter dated 4th January, 2013. It is on this date, i.e., 4th January, 2013 that other casual workers, who had worked all along, were regularised.

2. The petitioner had relied upon purported letters dated 6th April, 2010 and 2nd November, 2011, but as per the respondents, they had not received the said letters. There is no proof of dispatch or proof the said letters were received by the respondents.

3. The petitioner had raised the contention that he was not well.

However, we are not inclined to accept the said submission as details were never furnished and it is rather odd for the petitioner to claim that he was unwell for almost two years and only when the respondents had floated the MTS for regularisation that the petitioner had resurfaced and staked his claim.

4. If the claim of the petitioner and prayer is allowed, then several others would also make identical prayers.

5. We do not find any reason to interfere with the impugned order.

6. Learned counsel for the petitioner submits that he would like to make a representation so that the petitioner may be engaged as casual labourer in future. It is open to the petitioner to make the said representation, but it is clarified that we have not issued any directions or expressed any opinion on the right and entitlement of the petitioner.

The writ petition is dismissed.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

JANUARY 25, 2016
VKR