

Central Adminisrative Tribunal
Principal Bench

O.A.No.2520/2002

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 9th day of October, 2002

Shri Rajvir Singh
Ex-Casual Employee CDA (R&D)
s/o Shri Sahab Singh
r/o House No.XY-32, Sarojini Nagar
New Delhi. ... Applicant
(By Advocate: Sh. E.J.Vergjese)

vs.

1. The Controller General of Defence.

Accounts
West Block-V, R.K.Puram
New Delhi - 110 066.

2. The Controller of Defence

Accounts (R&D) "L" Block
New Delhi - 110 011. ... Respondents

O R D E R(Oral)

By Shri Shanker Raju, M(J):

Heard the learned counsel.

2. Applicant earlier approached this Court, whereby directions have been issued on 10.7.2002 to dispose of the representation of the applicant and consider his case for regularisation by passing a reasoned and speaking order.

3. Respondents, in compliance of the decision supra rejected the claim of the applicant by their letter dated 23.8.2002 stating that grant of temporary status is a pre-requisite for regularisation of the services of a casual labour which is not possible in view of the decision of the Apex Court in Union of India & Anr. v. Mohan Pal, 2002(4) Scale 216, where the Scheme of DoFT has been treated to be one time measure, the request of the applicant for regularisation ^{was} rejected.

4. Learned counsel for applicant states that though the Tribunal restrained the respondents from

replacing his services by another set of casual labourers, the respondents immediately after 23.8.2002 replaced his services despite his case has been referred by the controlling authority for regularisation. He has also brought to my notice today an order passed by the respondents on 27.9.2002 by CGDA wherein regarding engagement of casual labourers renewal sanction by Headquarters office, it has been observed that those who are made to work on casual labour not less than two years they are entitled for being considered for regularisation.

5. In the light of the aforesaid regularisation, ends of justice would be met if applicant is directed to prefer a detailed representation to the respondents annexing all the necessary documents and the respondents shall consider the claim of the applicant for regularisation independent of the Scheme of the DoPT of 10.9.1993. Moreover, if the work of casual nature is available with the respondents, the respondents shall also give preference to the applicant in re-engagement in preference to the juniors and outsiders. The aforesaid exercise of the applicant shall be completed by passing a detailed and speaking order within one month from the date of receipt of a copy of the representation which the applicant shall make from two weeks from today. OA is accordingly disposed of at at the admission stage. No costs.

S. Raju

(Shanker Raju)
Member (J)

/rao/

Exhibit for your information
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