

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.2282/99

New Delhi, this the 24<sup>th</sup> day of October, 2000.

Hon'ble Mr. S.A.T.Rizvi, Member (A)

1. Sh. Mohinder Kumar, S/O Sh. Behari Lal, R/O 149, Old Nangal, Delhi Cant.- 10.
2. Sh. Virender Kumar Manjhi, S/O Sh. Nathuni Manjhi, 266, Chiriya Colony Pusa, New Delhi - 12.
3. Sh. Dev Pujen, S/O Sh. Raghu Nath Mehto, D-89, Ishwar Colony, Nangli Sakarawati, Najafgarh, New Delhi-43.
4. Sh. Ram Naresh S/O Sh. Ram Bhoj Manjhi, RZ-367/394 Shiv Furi, West Sagarpur, New Delhi - 46.
5. Sh. Ravinder Kumar, S/O Sh. Deep Chand, Vill. P.O. Posangipur, New Delhi - 58.
6. Sh. Narain Das Saini, S/O Sh. Mohan Lal, R/O P-10/8/1, Kabul Lane, New Delhi-10.

...Applicants.

(By Advocate: Sh. Geo-rges Paracken)

VERSUS

1. Union of India Through Secretary, Ministry of Defence, New Delhi.
2. Commanding Officer, Air Force Station, 25 Wing Unit, Rajokri, New Delhi.

...Respondents.

(By Advocate: Sh. Vinod Kumar proxy counsel for Sh. Rajinder Nischal)

O R D E R

The applicant, six in number who are presently engaged as casual employees and are working as Anti-Malaria Laskar in the respondents' establishment, have filed this DA mainly seeking regularisation as such workers or as Group 'D' employees.

2. I have heard the learned counsel for both the parties and have perused the material placed on record.

3. The respondents have taken the plea that the OA is not maintainable on the ground that none of the applicants have filed any representation in the matter before the respondents and that the binding provisions of Section 20 of the Administrative Tribunals Act, 1985 have accordingly not been complied with. Learned proxy counsel for the respondents has brought to my notice that the applicants were employed on a seasonal basis for a period of six months in 1999 and have on the basis of their seniority again been employed in 2000 for a similar period and for the same kind of work. He has mentioned that the work allotted to the applicants is necessarily of a seasonal nature and, therefore, it is not possible for the respondents to offer continued employment to the applicants as Anti-Malaria Laskar. My attention was also drawn to the Scheme framed by the respondents in respect of engagement of seasonal Anti-Malaria Laskars which, amongst other things, also provides for conferment of temporary status in terms of the standing instructions of the DOPT. I have perused the said Scheme and find that it has been properly framed to dispense justice to the casual employees engaged from time to time to work as Anti-Malaria Laskar.

4. The applicants' arguments is that following the ratio of the judgement of this Tribunal in Diwan Singh & Ors. Vs. Union of India through Secretary, Ministry of I & B & Others. (OA-1137/92) decided on 18.11.92, the

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respondents' Ministry as a whole should be treated as one Unit and should be directed to provide employment to the applicants not only as Anti-Malaria Laskars but also in connection with such other work of casual nature as arises in that Ministry from time to time. I find that in the said OA, the Division Bench of this Tribunal had directed the respondents that the applicants should be continued to be engaged as casual employees as long as the respondents needed the services of casual employees and in preference to their juniors and outsiders. In that same OA, the D.B. had also directed that if no vacancies existed in the Publication Division, the applicants should be considered for engagement in the other Offices of the Ministry of Information & Broadcasting, depending on the availability of vacancies.

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5. In the background of the above discussion, both the learned counsel for the parties agreed that this OA could be disposed of by the following directions to the respondents. The learned counsel for the respondents did not press his contention regarding exhaustion of departmental remedies by the applicants.

- i) The respondents shall consider the claim of the applicants for conferment of temporary status in accordance with their own Scheme and the relevant Scheme issued by the DOPT, and shall take a decision thereon within two months from the date of receipt of a copy of this order.
- ii) The respondents shall also ensure that the applicants are offered employment from time to

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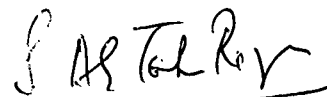
time not only as Anti-Malaria Laskar on the basis of their seniority and other relevant considerations, but are also offered other types of casual employment depending on the availability of work and having regard to the status of the applicants and their seniority.

iii) The respondents shall also ensure that subject to satisfactory conduct, the applicants are, in any case, offered the seasonal employment as Anti-Malaria Laskar from time to time in the manner done during 1999 and the current calendar year. The applicants shall be offered employment as above in preference over their juniors and outsiders and for this purpose the Ministry of Defence shall be treated as one Unit.

iv) The respondents are further directed not to induct fresh recruits as casual employees through the Employment Exchange or otherwise over-looking the preferential claims of the applicant.

6. The OA is disposed of as above without any order as to costs.

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(S.A.T. Rizvi)  
Member (A)

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