

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2410/1995

New Delhi, this 17th day of October, 1996

Hon'ble Shri A.V. Haridasan, Vice-Chairman(J)
Hon'ble Shri V. Radhakrishnan, Member(A)

1. Shri Dinesh Kumar
Jhuggi No.405
Mithapur, Gaon Badarpur, Delhi
2. Shri Shurvir Singh
B-214, Gali Naushad
Bhajanpura, Delhi
3. Shri Bhagwat Singh
A-21, Nathu Colony
Bharat Chowk, Shahdara, Delhi .. Applicants

(By Shri A.K. Bhardwaj, Advocate)

Vs.

Union of India, through

1. Secreary
M/Communications
Sanchar Bhawan, New Delhi
2. District Manager
Telecommunications
Moradabad, UP
3. Sub-Divisional Officer
Hapur, UP .. Responents

(By Shri V.S.R. Krishna, Advocate)

ORDER(oral)

Hon'ble Shri A.V. Haridasan, VC(J)

The applicants, three in number, who claim to have rendered casual service under the third respondent for various periods ranging from 1983 upto 17.11.94, claim that though they had completed 240 days of service in several years and that they had worked in continuous engagement, the respondents have unjustifiably kept them out of work since 17.11.94 and they therefore pray in this application that action of the respondents in not engaging them as casual labours after 17.11.94 may be termed as illegal, arbitrary and discriminatory and direction may be given to the respondents to re-engage

them as casual labours and to consider granting to them the benefit of temporary status etc. in accordance with the Scheme of the Government in this regard.

2. The respondents resist the application. Their contention is that though the applicants had worked till the year 1986-87, there is no record of their engagement thereafter and therefore it is not possible to consider granting them the benefit of the Scheme.

3. When the application came up for hearing today, learned counsel on either side agree that if the applicants submit a detailed representation to second respondent giving details of their engagement, names of officers under whom they worked alongwith supporting evidence, if any, the second respondent may be directed to consider their claim with reference to the records available in the office of third respondent as also of the second respondent and if the claim of the applicants is found to be genuine, to consider their re-engagement and grant benefit of the Scheme for temporary status and regularisation of casual labours.


4. In the light of the above submissions of the learned counsel on either side, this application is disposed with the following directions:


(a) Applicants within a period of two months from the date of receipt of a copy of this order shall make a consolidated and detailed representation to the second respondent giving details of their engagement, officers under whom they have worked on casual basis enclosing therewith supporting documents, if any;

(b) On receipt of such representation as mentioned in (a) above, second respondent shall within a period of three months from the date of receipt of the representation consider the claim of the applicants with reference to the details of vacancies available in the office of third respondent in regard to engagement of casual labours on muster roll and ACGI basis and to pass an appropriate order; and

(c) if on verification of the aforesaid the applicants' claim is found to be genuine, respondents are directed to re-engage the applicant as casual labours as and when work is available in preference to outsiders and also persons with lesser length of service than the applicants and to confer on them the benefit of temporary status etc. in accordance with the Scheme in their turn.

There shall be no order as to costs.


(V. Radhakrishnan)
Member(A)


(A.V. Haridasan)
Vice-Chairman(J)

/gtv/