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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.No.993/95

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

New Delhi, this 7th day of March, 1996

Shri Rajendra Kumar
s/o Shri Sunder Lal
r/o House No.802/7, Gali No.16
Vijay Nagar Sahadra
Delhi - 110 053.

... Applicant

(By Shri T.C.Aggarwal, Advocate)

Versus

Union of India through

1. Secretary
Ministry of Information &
Broadcasting
Shashtri Bhawan
New Delhi - 110 001.

2. The Director General
Department of Advertising &
Visual Publicity
P.T.I.Building
Parliament Street
New Delhi - 110 001.

... Respondents

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

O. R D E R (Oral)

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

The applicant who was first engaged in 1991 as a Casual Worker aggrieved by the action of the respondents in not engaging him since 7.5.1995, has filed this application for the following reliefs:

"a) That the respondents be directed to include the name of the applicant in the draft Seniority List of Casual Workers placing him in the proper position taking 1991 as the date of appointment.

b) That the respondents may re-engage applicant, grant Temporary Status and regularise him as Packer.

c) That the scheme for regularisation may be prepared on the lines directed by the Hon'ble Tribunal in respect of D.A.V.P. as per direction already given in the case of Rameshwar & Others Vs. Union of India, applied to respondents also, by clearly providing for regularisation of casual workers and stopping all direct recruitment and giving no cut of date.

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d) That the respondents be further directed to give pay and other emoluments including interim relief etc. as per regular Govt. servants.

e) That the Hon'ble Tribunal may grant any other relief as may be deemed fit and proper in the circumstances of the case.

It has been alleged in the application that on mis-interpretation of the directions contained in the Judgment in OA No.1902/93, the respondents have disengaged the applicant even though they have retained in their service, persons who have rendered lesser casual service than the applicant.

2. In the reply of the respondents, have disputed that the applicant had worked for more than 206 in the year 1991 and subsequent years and they have indicated the number of days actually worked by the applicant. They contend that the applicant is not entitled to the reliefs.

3. When the matter came up for hearing the counsel on either side agreed that the application may be disposed of with direction to the applicant to make a representation giving details of his engagement and a direction to respondents to verify the truth of his claims with reference to the records in their possession and to take a decision within a reasonable time.

4. In view of the above suggestion by the counsel on either side, the application is disposed of with the following directions:

a) The applicant may make a representation to the respondents indicating the details of his casual service under various units within 15 days from the date of receipt of a copy of the order.

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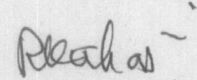
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b) The respondents shall on receipt of the representation verify the details with reference to the documents available with them in different units and on such verification, if the applicant is found to have become eligible for grant of temporary status to grant him the same with effect from the due date.

c) The respondent shall also after verification as stated above, include the name of the applicant at the appropriate place in the list of Casual Labour and reengage the applicant subject to availability of work in his turn in preference to persons with less length of service than him.

d) If on reengagement, the retrenchment of the applicant become necessary, it may be done in accordance with the rules, and also on the basis of last come first go.

5. There is no order as to costs.


(R.K. AHOOJA)

MEMBER(A)



(A.V. HARIDASAN)

VICE CHAIRMAN(J)

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