

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1656/1997

New Delhi this the 22nd day of March, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

(VA)

1. Narain Singh S/O Mohan Singh, working as Motor Lorry Driver, in Yamuna Bridge Project, Divn.II, P.W.D., New Delhi.
2. Subhash Chander S/O Mohit Ram, working as Motor Lorry Driver, in Okhla Flyover Project, ROB 22, P.W.D., New Delhi.
3. Shanta Prasad S/O Rudra Prasad, working as Motor Lorry Driver, in PWD-Division, Sunlight Building, Delhi.
4. Dinesh Kumar S/O Choti Ram, working as Motor Lorry Driver, in Division No.33, Yamuna Bridge Project, P.W.D., Delhi. ... Applicants

(None present for Applicants)

-Versus-

1. Central Public Works Division through its Director General, Nirman Bhawan, New Delhi-110001. ... Respondents

(None present for Respondents)

O R D E R (ORAL)

Shri Justice Ashok Agarwal:

Parties and their advocates are absent. We have perused the record and we proceed to dispose of the O.A. on merits in their absence in terms of the provisions of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

Def

(5)

Applicants in the present case have been working as motor lorry drivers. They were engaged as such on casual basis. Applicant No.1 has been in employment since 24.8.1991; applicant No.2 since 2.3.1983; applicant No.3 since 30.1.1990; and applicant No.4 since 22.9.1991. By the present O.A. applicants seek regularisation of their services with the respondents. Reliance is placed on a decision in the case of **State of Haryana v. Piara Singh**, 1992 (4) SCC 118, wherein it has inter alia been held as under :

"So far as the work charged employees and casual labour are concerned, the effort must be to regularise them as far as possible and as early as possible subject to their fulfilling their qualification, if any, prescribed for the post and subject also to the availability of work. If a casual labourer is continued for fairly long spell - say two to three years, a presumption may arise that there is regular need for his services. In such a situation, it becomes obligatory for the authority concerned to examine the feasibility of his regularisation. While doing so the authorities ought to adopt a positive approach except for an empathy for the person. As has been repeatedly stressed by this Court, security of tenure is necessary for an employee to give his best to the job."

2. All that has been contended by the respondents in order to resist the claim is that applicants had been engaged in the teeth of a ban imposed by the Government from employing them. According to the respondents all the applicants except applicant No.2 were engaged as daily rated workers after the ban. Applicant No.2 had been working prior to imposition of ban as Khalasi but he left his job and was re-engaged as motor lorry driver w.e.f.

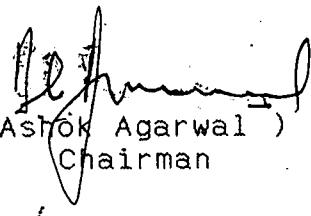
W.A.

(16)

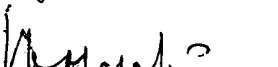
31.1.1991. Thus he was engaged after imposition of ban on engagement of daily rated workers w.e.f. 19.11.1985.

3. In our view, aforesaid contention can be no defence to the claim of the applicants for regularisation. It cannot be gainsaid that applicants have been working continuously since the dates of their engagement. In the circumstances, in terms of the decision in the case of Piara Singh (supra), we direct the respondents to consider their claim for regularisation in terms of the aforesaid order of the Supreme Court. While considering their claim, respondents will bear in mind that all the applicants have cleared their trade test which is pre-requisite for regularisation.

4. Present O.A. is allowed in the aforesated terms. There shall be no order as to costs.


(Ashok Agarwal)

Chairman


(V. K. Majotra)

Member (A)

/as/