

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(18)

O.A./T.A. No. 2059 /19 94 Decided on: 15.2.96

B.R. Rangari APPLICANT(S)
(By Shri J.C. Madan Advocate)

VERSUS


U.O.I & Anr. RESPONDENTS
(By Shri P.H. Ramchandani Advocate)


CO RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE ~~SHRI/SRI~~ DR. A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal? No


(DR. A. VEDAVALLI)
Member (J)


(S.R. ADIGE)
Member (A)

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.2059/94

New Delhi: this the 15th February, 1996.

HON'BLE MR. S.R.ADIGE, MEMBER (A).

HON'BLE DR.A.VEDAVALLI, MEMBER (J).

Shri Bhim Rao Rangari,
S/o Shri B.R.Lataru Rangari,
r/o A-1, Amrit Nagar,
Kotla Mubarakpur,
New Delhi -3

.....Applicant.

By Advocate Shri J.C.Madan .

Versus

1. The Union of India
through
Secretary,
Ministry of I & B,
Shastri Bhavan,
New Delhi-11,

2. The Director-General,
Doordarshan,
Mandi House,
New Delhi-1

.....Respondents.

By Advocate Shri P.H.Ramchandani.

JUDGMENT

By Hon'ble Mr. S.R.Adige, Member (A).

In this application Shri B.R.Rangari has prayed for grant of temporary status followed by regularisation with consequential benefits.

2. His case is that he worked as a Casual Labourer continuously and satisfactorily from 1.5.87 to 23.12.88 in the Office of Director-General, Doordarshan, New Delhi, and all of a sudden on 24.12.88 his services were verbally terminated. Upon this he filed OA No.2914/92 which was disposed of by judgment dated 26.5.93 directing the respondents to consider the case of the applicant for regularisation as expeditiously as possible and not beyond three months.

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He states that thereupon he filed 2 representations and eventually he was informed vide letter dated 27.12.93 that he could not be regularised in the absence of a Group 'D' vacancy. He states that he has learnt that one Shri Chhotey Lal, who was junior to him, was engaged as a Casual Labourer in May, 1994, and he has a prior right to be appointed and regularised over outsiders and juniors.

3. The respondents in their reply do not deny that the applicant worked with them as a Casual Labourer from 4.2.88 to 23.12.88. They state that his services were discontinued w.e.f. 24.12.88 as these were no longer required. They further state that in accordance with the Tribunal's judgment dated 26.5.93 in OA No.2914/92 his case for regularisation was considered by them and keeping in view his educational qualification (6th Class pass) he could be considered only for the post of Safaiwala, but as there was no vacancy in the grade of Safaiwala, he could not be regularised and he was informed accordingly on 27.12.93. Against that he filed Contempt Petition No.164/94 which was dismissed on 31.5.94, on the ground that no contumacious violation of the Tribunal's judgment dated 27.12.93 had been made out.

4. We have heard Shri Madan for the applicant and Shri Ramchandani for the respondents. Shri Madan stated during hearing that for the present the applicant would be satisfied with being employed even as a Casual Labourer and thereafter may be permitted to work out his rights for grant of temporary status and eventual regularisation in

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accordance with extant rules/ instructions .
Shri Ramchandani on the other hand asserted that
after having been disengaged as far back as 1988
the applicant had no enforceable legal right
even for being appointed as a Casual Labourer now
in 1996.

5. We have considered the rival contentions
carefully. It is not denied that the applicant worked
as a Casual Labourer in the Office of Respondent
No.2 from 1.5.87 to 23.12.88. He has produced a
certificate dated 24.12.88 (Annexure-A1) stating that
he is sincere and a very good worker, and hence there
is no complaint about his work. That being so, we
held that other things being equal, the applicant
is entitled to some weightage during appointment
of Casual Labourers in the Office of Respondent
No.2 in view of the previous service he has put
in with the respondents.

6. This OA is therefore disposed of holding
that subject to the availability of work and
in the event that the respondents are engaging
Casual Labourers they should consider the case of
the applicant in preference to outsiders and those
with overall lesser length of service ^{in accordance with rules} No costs.

A. Veda Valli
(DR.A.VEDAVALLI)
MEMBER (J)

S. R. Adige
(S.R.ADIGE)
MEMBER (A).

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