

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 2182 of 1994

New Delhi this the 3rd day of August, 1999

HON'BLE MR. JUSTICE D.N. BARUAH, VICE CHAIRMAN  
HON'BLE MR. N. SAHU, MEMBER (A)

1. Baljeet Singh  
S/o Shri Hukam Chand  
R/o Village and P.O. Mattan  
District Rohtak..
  2. Jai Prakash Jain  
S/o Shri Badan Singh  
R/o C-80 Nehru Vihar,  
Timarpur,  
New Delhi.
  3. Ravinder Singh  
S/o Late Shri Haresh Singh  
R/o House No.4 Chuna Mandi,  
Paharganj,  
New Delhi-55.
  4. Jai Kishan  
S/o Shri Ram Mehar  
Village & P.O. Mattan  
District Rohtak,  
Haryana.
  5. Subash Chand  
S/o Shri Polo Ram  
R/o Quarter No.55 Govt. Colony,  
Mohammedpur,  
R.K. Puram,  
New Delhi.
- ..Applicants

By Advocate: None.

Versus

1. Union of India through  
the Secretary,  
Ministry of Labour,  
Nirman Bhawan,  
New Delhi.
  2. The Director,  
Directorate General of Employment &  
Training,  
Ministry of Labour,  
Nirman Bhawan,  
New Delhi.
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3. Shri H.L. Lal  
C/o the Directorate General,  
Employment and Training,  
Ministry of Labour,  
Nirman Bhawan,  
New Delhi.



..Respondents

By Advocate: None.

ORDER (ORAL)

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman

The applicants in this OA have challenged the circular No.B.12015/1/89-Admn.I dated 9.1.1991 passed by the Deputy Secretary, Government of India, Ministry of Labour and also seek directions to re-determine the seniority of the applicants, reckoning their ad hoc/casual service as Group 'D' employees and also for a direction to the respondents to promote the applicants as Lower Division Clerks with effect from the dates/date on which any of the group 'D' employees whose seniority in the revised seniority list has to be determined below the applicants.

2. The grievance of the applicants is that the respondents by not reckoning their casual service against the vacant regular group 'D' posts/ad hoc service followed by regularisation for the purpose of determining their seniority as Group 'D' employees. They are also aggrieved by the action of the respondents in not considering them for their promotion as LDC in preference to those group 'D' employees, who were so appointed much later than the appointment of the applicants against regular group 'D' posts. According to the applicants, they were initially appointed casual labourer against regular Group 'D' posts


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from August, 1974 to 1977. The applicants on being appointed casual labourer against Group 'D' vacancies continuously worked without any break at all till the date of their appointment on ad hoc basis, i.e. from September, 1980. From the period from 1980, the respondents without considering the eligibility of the applicants for their regularisation appointed some other persons in their place as regular Group 'D' employees. Being aggrieved, they submitted representation dated 27.5.94. and before the expiry of six months, they approached this Tribunal.

3. The respondents have filed written statement. There is no representative from either sides. We have perused the application and the counter.

4. We find that the applicants have approached this Tribunal even six months prior to the filing of the representation and, in fact, the application for that reason is premature. In view of the above, we dispose of this application with a direction to the respondents to dispose of the representation as early as possible at any rate within 3 months from the date of receipt of this order.

No costs.

  
(N. SAHU)  
MEMBER (A)

  
(D.N. BARUAH)  
VICE CHAIRMAN

Rakesh