

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

22
O.A.NO.1073/94

Hon'ble Shri A.V.Haridasan, Vice-Chairman(3)

New Delhi, this 11th day of December, 1996

1. Shri Chander Pal Singh
S/o Shri Gulab Singh
RZ-826/A, Puran Nagar
Palam Colony
NEW DELHI - 45.
2. Shri Suresh Kumar
s/o Shri K.D.Diwedi
67/108, Sector 3, Type-C
DIZ Area, Ramakrishna Ashram Marg
Gole Market
NEW DELHI.
3. Shri Tara Prasad
s/o Shri Jhabindra Prasad
Sector 9, House No.605
R.K.Puram
NEW DELHI.
4. Smt. Shakuntala Devi
W/o Shri Raj Pal
H.No.T-175
Old Nagal, Delhi Cantt.-10.
5. Smt Maya Devi
W/o Shri Hari Chand
Nagal Dairy, Gurgaon Road
NEW DELHI - 37.
6. Shri Ashok Kumar
s/o Shri Bhool Singh
26/4, Jacob Pura
Gurgaon
7. Shri Mohinder Singh
s/o Shri Rattan Lal
Village Nagal Devat
Gurgaon Road
New Delhi - 37.
8. Shri Vasudev Prasad
s/o Bideshi Prasad
D-2/1, Shahjahan Road
NEW DELHI - 11.

... Applicants

(By None)

Vs.

1. Union of India through
Secretary, Ministry of Finance
North Block, New Delhi.
2. Asstt. Collector(Admn.)
Air Customs
IGI Airport, New Delhi.

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3. Addl. Collector (Admn.)
Air Customs
IGI Airport
NEW DELHI.

4. Addl. Collector
Air Cargo Unit
IGI Airport
NEW DELHI.

5. Addl. Collector (P&V)
Central Excise & Customs
Collectorate
Customs House, CR Bldg.
NEW DELHI.

.. Respondents

(By Shri R.R.Bharati, Advocate)

ORDER (Oral)

The applicants eight in number were deployed on contingent basis on various dates commencing from the year 1988 onwards, for casual work in the Customs Division at Indira Gandhi International Airport. They are still continuing as Casual Labourers. Their grievance is that though they have been serving for several years on casual basis, they are not being considered for regularisation on Group 'D' Posts. The applicants have alleged that the persons who were having lesser length of service than the applicants have since been regularised on Group 'D' Posts and the action on the part of the respondents in not granting them the same benefit is violation of Article 16 of the Constitution of India. The respondents refute the allegations on the ground that the contingent labourers were not deployed with the permission of the competent authority, that they were not sponsored by the Employment Exchange and that there is a complete ban on engagement of daily wagers. They further contend that in accordance with the instructions of Department of Personnel & Training, the scheme for grant of temporary status and regularisation of Casual Mazdoors cannot be extended to those who are not sponsored by the Employment Exchange.

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2. I have gone through the pleadings and materials on record. I have also heard the learned counsel for respondents. Though, I ~~do not~~ have the privilege of hearing the learned counsel for the applicants in as he did not attend, on a careful scrutiny of the pleadings and the materials available on record, I am of the considered view that the contention of the respondents that the applicants were not deployed by the competent authority has only to be rejected. A letter dated 13.4.1992 of the Assistant Collector(Admn.) placed at page No.11 of the OA shows that nine contingent casual labourers including the applicants were deployed by the competent authority. Hence, it is futile to content that the deployment was without the approval of the competent authority. The contentions that the applicants were not sponsored by Employment Exchange and though ~~so~~ they are not entitled to the scheme also has no force because the competent authority had deployed them. It should be ~~prescribed~~ prescribed that the deployment was as per rules and instructions and the applicants were not sponsored by employment exchange the requirement must be deemed to have been waived especially as the applicants have continued for such a long time. I am, therefore, of the considered view that as the applicants have continued for such a long time, having completed more than 240 days in each year, they cannot be denied the benefit of the scheme for grant of temporary status and regularisation. Even if the applicants were not sponsored by the employment exchange, and they were deployed by the competent authority it should be deemed that the sponsorship by employment exchange has been waived in this case for the reason of scarcity of suitable posts.

3. In the conspectus of the facts and circumstances, the application is disposed of with a direction to respondents to consider the applicants for grant of temporary status

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(25)

and for regularisation on Group 'D' posts in their turn
as and when the vacancies arises. There is no order
as to costs.

Dated, the 11th December, 1996.



(A.V.HARIDASAN)
VICE-CHAIRMAN(J)

/rao/