



CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.752/2000
M.A.No.976/2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)

New Delhi, this the 7th day of December, 2000

1. Vijay Pal
s/o Shri Chajjan Singh
r/o Pawli Khurud
Meerut
P.O.Modipuram.
2. Shri Kali Charan
s/o Shri Jai Karan
r/o Village Badhla Kaithara
P.O.Sisoli Distt. Meerut.
3. Shri Arjun Singh
s/o Sh. Shri Ram
r/o Vill. Sultanpur Biloni
P.O. Rahimkot
Dist. Bulandshahar.
4. Shri Bahadur
s/o Shri Parmeshwar Yadav
r/o H.No.312, Topkhana Bazar
Meerut Cantt.
5. Shri Karan Chand
s/o Shri Kalu Ram
r/o Vill. Dadwal P.O. Booni
Dist. Hameerpur (H.P).
6. Shri Lala Ram
s/o Shri Babu Ram
r/o Kothi No.261, Khanna Camp
Meerut.
7. Shri Kali Ram
s/o Shri Prithvi Singh
r/o Vill. Bicholi P.O.Rajpur
Distt. Meerut.
8. Shri Anil Chauhan
s/o Shri Ram Singh
r/o H.No.168/1 Nangla Batti
Pragati Nagar
Meerut.
9. Shri Naresh Kumar
s/o Shri Bishweshwar
MFS Godham H.No.14
R.A.Lines, Meerut Cantt.
10. Shri Kamal Singh
s/o Shri Shriram
r/o Sultanpur Biloni
P.O.Raheemkot. ... Applicants

(By Shri Surinder Singh, Advocate)

Vs.



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Union of India through

1. The Defence Secretary
Ministry of Defence
South Block
New Delhi.
2. The Director General
Supplies and Transport
Army Headquarters
Sena Bhawan
New Delhi.
3. The Commanding Officer
No.40 ASC Supply Depot.
Meerut Cantt.
4. Shri Santosh
No.40 ASC (Supply) Depot
Meerut Cantt.
5. Shri Ravinder Singh
No.40 ASC (Supply) Depot
Meerut Cantt.
6. Shri Keshav Ram
No.40, ASC (Supply) Depot
Meerut Cantt.

.. Respondents

(By Shri Rajinder Nischal, Advocate)

O R D E R (Oral)

Heard the counsel for the applicants and the respondents No.1 to 3. None appears for the impleaded respondents No.4 to 6.

2. The applicants are serving as Casual Labourers since 1983 in 40 ASC (Supply) Depot, Meerut Cantt. and they have also ^{been} conferred temporary status in 1993. As some permanent vacancies ^{more} in the post of Chowkidars to be filled up ^{from} amongst the casual labourers with temporary status, the applicants made representations as well as applications for offering them as candidates for those posts in 1999, but the respondents have recruited all outsiders and freshers on 1.4.1999 and the cases of the applicants have not been considered even though the respondents have assured that their cases would be duly considered. Hence the present OA.

CAB

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3. It is however the case of the respondents that they had considered and appointed the persons who have been sponsored by the Employment Exchange and as the applicants names have so not sponsored, they have been not considered.

4. We have given careful considerations to the contentions raised. It is not in dispute that the applicants were conferred the temporary status as early as in 1993 and they have been working since 1983 as Casual Labourers with the respondents. It is therefore clear that the applicants are entitled to be considered for appointment against the regular vacancies. The method adopted by the respondents calling for names from the Employment Exchange is wholly irregular and contrary to the Rules on the subject. When casual labourers with temporary status are available, it is not open to the respondents to ignore them and appoint outsiders to the post of Chowkidars which are Group 'D' posts. In the Scheme called Grant of Temporary Status and Regularisation of Casual Workers, dated 10.9.1993, ~~wherein~~ the following procedure for filling up of the Group 'D' posts had been clearly shown:

"Para 8: Procedure for filling up of Group D posts:

- 1) Two out of every three vacancies in Group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered

surplus for any reason will have prior claim for absorption against existing/future vacancies."

5. The action of the respondents is therefore contrary to the Scheme and is liable to be set aside.

6. Though Respondents No.4 to 6 who have been recruited and have been served ^{with} the notices, none had chosen to appear either in person or through their counsel.

7. In the circumstances, the OA ~~is allowed~~ ^{is} set aside and the respondents are directed to make a fresh recruitment for the post of Chowkidars which arose in 1998-99 and consider the cases of the applicants within a period of three months from the date of receipt of a copy of this order. The OA is allowed with costs of Rs.1000/-.

Chandramilandy,
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/