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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH.

REGN NO. OA 1212/89

DATE OF DECISION: 12.6.1989

Shri R.K. Sharma

..... Applicant.

Versus

Union of India & Ors

..... Respondents.

Shri V.P. Sharma

..... Counsel for the  
Applicant.

CORAM :

The Hon'ble Mr. Ajay Johri, Member(A).

The Hon'ble Mr. T.S. Oberoi, Member(J).

( Order of the Bench delivered by the  
Hon'ble Member, Mr. Ajay Johri.)

ORDER

Heard Shri V.P. Sharma for the Applicant in this Application which is filed under Section 19 of the Administrative Tribunals Act, 1985. The Application is against the order dated 1.6.1989, a fair copy of which has now been filed before the Registry. He has also produced a copy of the same before us. This order reads as under:-

"The above named casual labour engaged by you as Hot Weather Waterman should be discharged forthwith if he has not worked prior to 3.1.81. Advise the date of discharge."

The applicant has prayed for declaration that the impugned order dated 1.6.1989 is illegal and for passing an order restraining the respondents to discharge the applicant, as other similarly placed persons are working as Hot Weather Waterman.

The applicant's case is that he has worked

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waterman

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The applicant challenged the impugned order dated 1.6.89 on the ground that the principles laid down for the benefits of the Casual labour in the Inder Pal's <sup>✓</sup> case are being violated. On the basis of <sup>✓</sup> *Surender Singh Vs.* The Engineer in Chief AIR 1986(SC)584, the Government was supposed to regularise the service of all the employees, who have been in continuous employment <sup>for</sup> more than 6 months as temporary or daily wage workers. Similarly, in AIR 1987 SC, 1153 *Dakshin Railway Employees Union Trivandaram Division Vs. General Manager, Southern Railway*, a casual labour who had been in continuous employment for 360 days ~~were~~ <sup>✓</sup> *was* entitled to absorption even though not in services on 1.1.1981. He has also drawn support <sup>✓</sup> *from* the decision of the Daily Rated casual labour employed under P & T Dept through *Bhartya* <sup>✓</sup> *Daktar Mazdoor Manch Vs. Union of India.*

The substance of all the decisions was that the respondents had to formulate a scheme for regularisation of the Casual labourers who have been employed for <sup>✓</sup> *the* certain periods under them. <sup>✓</sup> *13.4.89* The <sup>✓</sup> *instructions* <sup>✓</sup> *issued* by the D.R.M's, Bikaner vide his letter dated 13.4.89.

<sup>✓</sup> *Circular do not* The impugned orders being an outcome of the same <sup>✓</sup> *and* <sup>✓</sup> *policy* ~~session~~ appear to militate against the ~~session~~ laid down in regard to providing senior most jobless casual labourers from sectional PWIs/ IOWs on the active list as also for regularisation of the casual labourers under the control of the respondents in accordance <sup>✓</sup> *with the* <sup>✓</sup> *scheme* spelled out consequent to the <sup>✓</sup> *Inderpal's* case. Being

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so, if a decision is taken by the respondents to give employment on the basis of seniority for which they have prepared a list for certain period and <sup>or which principle has</sup> ~~they have~~ also provided in the circular dated 13.4.89, which has been produced before us, to fill the post by those who were in employment prior to 1.8.78 or in between 1.8.78 to 3.1.81 and thereafter by those who are the senior-most jobless casual labourers, the same cannot be assailed by the applicant who joined service only in 1984. Therefore, we find nothing wrong in the action taken by the respondents, and do not see any merit in this Application. It, therefore, fails at the Admission Stage.

We accordingly dismiss this Application. We would however like to make an observation that the respondents will follow the policy of 'first-cum-last go' and the applicant will not be replaced by any of his juniors, or discharged, allowing juniors to continue.

*T.S. Oberoi*  
( T.S. OBEROI )  
MEMBER(J)

*Ajay Johri*  
( AJAY JOHRI )  
MEMBER(A)