

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Regn. Nos: OA 1617/89 and 1618/89 Date of decision: 22.8.1990.

(1) OA 1617/1989

Shri Dhanesh Chand & Others ...Applicants

Vs.

Delhi Administration & Another...Respondents

(2) OA 1618/89

Shri Jabir Singh & Another ...Applicants

Vs.

Delhi Administration & Another ...Respondents

For the Applicants in (1) & (2) Miss Ponam Aggarwal,
Counsel

For the Respondents in (1) & (2) None

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

JUDGMENT

(of the Bench delivered by Hon'ble Mr. D.K. Chakravorty, Administrative Member)

The applicants in these two applications have worked as Casual Labourers in the office of the respondents and their grievance pertains to termination of their services by verbal orders. It is proposed to deal with them in a common judgment.

2. The applicants in OA 1617 of 1989 have worked as Malis on daily rated basis till their services were terminated by

verbal orders on 1.8.1989. Three of them had been engaged in January, 1989, one in February, 1989 and five in March, 1989. They have alleged that there is need for engaging Casual Labourers in the office of the respondents and that their juniors have been retained in service while terminating their services.

3. The applicants in OA 1618/89 are working as Works Assistants on daily rated basis in the office of the respondents. The first applicant worked from 5.7.1988 while the second applicant worked from 10.2.1989 and continued to work till their services were terminated by verbal orders on 1.8.1989. They have also alleged that there is enough work in the office of the respondents and that their services have been dispensed with while retaining their juniors in service.

4. The applications came up for admission on 18.6.1989 when notices were directed to be issued to the respondents. Despite service of notice on them and giving several opportunities to them to file their counter-affidavits, the respondents did not enter appearance or file counter-affidavits.

5. After hearing the learned counsel of the applicants and going through the records of the case carefully, we are of the opinion that the applicants are entitled to succeed on the ground that termination of their services, while retaining their juniors in service, is not legally sustainable (See General Manager, Govt. Branch Press and

6. In a batch of similar cases which has been disposed of by this Tribunal in its judgment dated 17.02.1990, the respondents have considered the recent decisions of the Supreme Court containing directions to the respondents to prepare a scheme for regularisation of the Casual Labourers in the Horticultural Department (Vide OA 1745 of 1988 and connected matters - Rajinder Goel and Others Vs. Delhi Administration & Others).

7. In the light of the above, we order and direct that the respondents shall reinstate the applicants in service from 1.8.1989. In the facts and circumstances of the case, we do not pass any order regarding payment of back wages to them. After their reinstatement, the respondents shall consider the suitability of the applicants for regularisation in accordance with the scheme to be prepared by them pursuant to the judgment of the Supreme Court. They shall also be paid wages at the rate of Rs.750/- per month plus allowances till the date of their regularisation. The respondents shall comply with the above directions within a period of one month from the date of communication of a copy of this order.

There will be no order as to costs.

Let a copy of this order be placed on both the case files.

(D.K. CHAKRAVORTY)
MEMBER (A)

(P.K. KARTHA)
VICE CHAIRMAN (J)