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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA-2177/89

Date of decision: 22.5.92

Shri Sunil Kumar Jain .... Applicant

Versus

Union of India & Ors. .... Respondents

For the Applicant .... Shri Gyan Prakash, Advocate

For the Respondents .... Shri P.P. Khurana, Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. I.K. Rasgotra, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

(Judgement of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice-Chairman)

The applicant, who has worked as a casual labourer in the office of the respondents, filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:-

- (i) to quash the impugned Memo. dated 11.9.1989 and other Memos. issued by the respondents;
- (ii) to direct the respondents to consider the regularisation of the applicant in a Group 'D' post based on the judgement of the Supreme Court dated 27.10.1987; and

(iii) to direct them to protect his legitimate claim of regularisation, specially when any of his juniors in the panel of casual labourers is appointed on a Group 'D' post.

2. The facts of the case are not in dispute. The applicant has worked as a casual labourer since 13.7.1983 in Railway Mail Service (RMS) under the Ministry of Communications. He has not been regularised in Group 'D' post in the R.M.S. He has worked for 2003 days as on 1.9.1989.

3. The applicant has referred to the judgement of the Supreme Court in Daily Rated Casual Labour employed in P & T Department Vs. Union of India & Others, A.I.R. 1987 S.C. 2342 in which the Supreme Court has directed the respondents to prepare a scheme on a rational basis for absorbing, as far as possible, the casual labourers who have been continuously working for more than one year in the Posts & Telegraphs Department.

4. The applicant has stated that instead of regularising the casual labourers pursuant to the directions of the Supreme Court, the respondents have resorted to selection of persons for Group 'D' posts on the basis of old schemes by conducting examination. He has called in question the validity of the holding of an examination for filling up Group 'D' posts on 4.9.1989 hurriedly and holding the examination on 10.9.1989 and announcing the results on 11.9.1989.

5. The applicant has relied upon the judgement of this Tribunal in a batch of applications which was disposed of by judgement dated 18.5.1990 (OA-1833/87 and connected matters - Shri Hari Shankar Swamy and Others Vs. Union of India & Others). In the aforesaid judgement, the Tribunal has referred to the scheme prepared by the respondents known as 'Casual Labourers (Grant of Temporary Status for Regularisation) Scheme' and put into operation from 1.10.1989. A copy of the same was placed for the consideration of the Supreme Court in Jagrit Mazdoor Union Vs. Mahanagar Telephone Nigam Ltd., 1989 (2) SCALE 1455. The Supreme Court found that the scheme was comprehensive and apart from provision for conferment of temporary status, it also specified the benefits available on conferment of such a status. A similar scheme has also been prepared for the Postal employees working in the Department of Posts. In Jagrit Mazdoor Union's case, the Supreme Court further observed that temporary status would be available to the casual labourers in the Postal Department on completion of one year of continuous service with at least 240 days of work (206 days in the case of offices observing 5 days a week) and on conferment of temporary status, the House Rent Allowance and City Compensatory Allowance shall be available.


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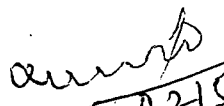
After rendering three years of continuous service with temporary status, it was observed, that casual labourers shall be treated on par with temporary Group 'D' employees of the Department of Posts and would thereby be entitled to such benefits as are admissible to Group 'D' employees working on regular basis.

6. After going through the records of the case and hearing the learned counsel for both the parties, we are of the opinion that the present application should also be disposed of on the lines of the judgement of the Tribunal in Hari Shankar Swamy's case, mentioned above.

7. Accordingly, the application is disposed of with the direction to the respondents to regularise the services of the applicant in accordance with the scheme prepared by them pursuant to the direction of the Supreme Court in Daily Rated Casual Labour employed under P & T Department Vs. Union of India & Others, A.I.R. 1987 S.C. 2342. The applicant would also be entitled to all the benefits and privileges envisaged in the judgement of the Supreme Court in Jagrit Mazdoor Union Vs. Mahanagar Telephone Nigam Ltd., 1989 (2) SCALE, 1455.

8. The application is disposed of on the above lines. There will be no order as to costs.

  
(I.K. Rasgotra) 22/5/82  
Administrative Member

  
(P.K. Kartha)  
Vice-Chairman(Judl.)