

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA No. 2344/89 .. Date of decision: 11.12.92

Sh. Parkash Chand .. Applicant

Versus

Union of India .. Respondents

For the applicant .. Sh. Umesh Mishra, Counsel.

For the respondents .. Sh. V.S.R.Krishna, Proxy
Counsel for Sh. M.L.Verma, counsel.

CORAM

Hon'ble Sh. P.K. Kartha, Vice Chairman (J)

Hon'ble Sh. B.N. Dheundiyal, Member (A)

1. Whether Reporters of local papers may be allowed
to see the Judgement ? *Yes*

2. To be referred to the Reporters or not ? *Yes*

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh. B.N.
Dheundiyal, Member (A)

In this OA filed under Section 19 of the Central
Administrative Tribunal's Act, 1985, Shri Parkash Chand,
ex-Pump Operator of C.P.W.D. has prayed that the respondents
be directed to reinstate him in service with full back
wages and other consequential benefits. *b/w*

the applicant, he ^{is}
2. According to ^{he} has worked as Pump Operator in the
Minto Read Complex of the C.P.W.D. with effect from
9.7.1981 to 25.6.1983, when his services were terminated
without any justification and arbitrarily. Recruitment of
fresh pump operators has been made ^{by} thereafter and some of
his juniors have been retained in service and regularised.
The applicant kept on sending his representations to the
authorities and vide letter dated 5.8.88 (Annexure-C), it
^{on} was intimated that the competent authority ^{the} Executive
Engineer, Elect. Division No. XII, had decided that his
services were no longer necessary and accordingly, he
was not engaged after 25.6.83. Rejecting his appeal
for reinstatement, it was stated that it would not be
possible to engage him again.

3. The respondents have raised a preliminary
objection regarding limitation on the ground that the
^{AV} has
application ^{been} filed six years after dis-engagement on
25.3.83. The applicant has also filed M.P. (1537/91) for
that
condonation of delay. The applicant has stated ^{if} the
date of rejection of his representation is taken as 5.8.88,
there has been a delay of only 3 months in filing the O.A.
^{bw}

(B)

In the interest of justice, this preliminary objection is over-ruled and MP 1537/91 for condonation of delay is hereby allowed.

4. The respondents have stated that while employed at Minto Read Complex as Asstt. Pump Operator, he was found to be in the habit of slipping away from his work place to act as a milk vendor. He did not mend his ways inspite of several warnings and inspite of his transfer to B.B. Tank Section during September, 1982. Similar complaints were received from C.G.H.S. and the Public Wireless Station at Ridge where he was subsequently deputed. The then Executive Engineer went to check the complaint from the Police Wireless Station on 25.6.83 and found that he had absented himself from duty. The termination of his services was done by way of punishment and no retrenchment compensation was payable in such cases of Muster Roll Workers.

5. We have gone through the facts of the case and heard the learned counsel for both the parties. Schemes for regularisation of casual workers have been drawn up by the various departments of the Government under the and the Central Administrative Tribunal directions of Supreme Court/in a number of cases* and the ~~the~~ ^{the} ~~the~~

* 1. Inder Pal Yadav Vs. U.O.I., 1985 (2) SLR 248.

2. Surinder Singh Vs. U.O.I., A.I.R. 1986 S.C. 584.

3. Raj Kamal & Ors. Vs. U.O.I. , 1990 (2) SLJ CAT 169.

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Department of Personnel and Training's instructions dated 7.6.88. The learned counsel for both parties agreed that the interest of justice would be served in this case, if the name of the applicant is entered in the Live Casual Labour Register and he is given a chance again, whenever a vacancy for casual labourer occurs. He shall be considered for regularisation in due course in his turn. We order so accordingly.

The parties will bear their own costs.

B.N. Dhandiyal
(B.N. DHOUDIYAL) 11/12/97
MEMBER (A)

Served
(P.K. KARTHA) 11/12/97
VICE CHAIRMAN (C)

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