

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2460/89
T.A. No.

199

DATE OF DECISION 22.08.1990.

Shri Girish Pal & Others

~~Applicants~~ x Petitioner

Shri Jog Singh

Advocate for the Petitioner(s) ~~Applicants~~

Union of India through the

Secretary, Deptt. of Civil Supplies

Respondent

Shri P. H. Ramchandani

Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. D. K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? */ No*
4. Whether it needs to be circulated to other Benches of the Tribunal? */ No*

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

The nine applicants before us are Group 'D' employees working in the Department of Civil Supplies for the last 4-6 years. Their names were sponsored through the Employment Exchange at the time of initial engagement. Their grievance is that they have not been regularised in Group 'D' category. The representations made by them have not received favourable response. Some of them have by now become over-aged for seeking employment elsewhere in Govt. service. They have, therefore, prayed that they be regularised from the date of their initial appointment to Group 'D' posts with all consequential benefits.

Q

....2...

2. The respondents have stated in their counter-affidavit that they have taken a policy decision not to engage Casual Labourers any more, and that persons junior to the applicant have not been retained in service. They have further stated that out of the nine applicants, three (S/Shri Amar Singh, Bhag Chand Singh and Rakam Singh) were disengaged on 8.12.1989, while two others (S/Shri Harak Singh and Shambhu Rawat) were disengaged on 6.12.1989. The present application was filed on 11.12.1989. On the same day, this Tribunal passed an interim order directing that the status quo as regards the continuance of the applicants in the posts of Casual Labourers shall be maintained. The said interim order has been continued thereafter.

3. We have carefully gone through the records of the case and have heard the learned counsel for both the parties. In a similar case concerning the Department of Civil Supplies (OA-2306/69 - Shri Raj Kamal & Others Vs. Union of India) this Tribunal has considered all the aspects of the engagement of Casual Labourers by the Union of India in its judgement dated 16.2.1990, to which both of us are parties. Following the ratio in Raj Kamal's case, the present application is disposed of with the following orders and directions:-

(i) The respondents are directed to consider the suitability of the applicants for appointment in regular vacancies in the post of Group 'D' arising in the Ministry of Food & Civil Supplies and its offices at Delhi. In case, no vacancies exist in the Ministry of Food & Civil Supplies and its offices, the applicants

should be adjusted against the vacancies of Group 'D' staff in other ministries/departments/attached/subordinate offices for appointment in accordance with a scheme to be prepared by the respondents, as mentioned in para. 21 of this Tribunal's judgement in Raj Kamal's case.

(ii) The respondents are directed not to induct fresh recruits as Casual Labourers through Employment Exchange or otherwise, overlooking the preferential claim of the applicants.

(iii) The emoluments to be given to the applicants till their regularisation should be strictly in accordance with the orders and instructions issued by the Department of Personnel & Training. After their regularisation, they shall be paid the same pay and allowances as regular employees belonging to the Group 'D' category.

(iv) The interim order passed on 11.12.1989 and continued thereafter, directing the respondents that the status quo as regards the continuance of the nine applicants as Casual Labourers, be maintained, is made absolute.

The parties will bear their own costs.


(D.K. Chakravorty)

Administrative Member

22/8/89


22/8/89

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