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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...
OA. No. 1075 of 1989

Dated New Delhi, this 19th day of August, 1994

Hon'ble Mr. A. V. Haridasan, Member (A)

Hon'ble Mr. B. K. Singh, Member (J)

1. Shri Raja Ram
son of Shri Jugal Kishore
R/o 48/18 M D Buildings
Near Railway Station
Palam Colony, New Delhi-45
2. Shri Jai Inder
son of Shri Charan Singh
R/o Shahabad, Mohammed Pur
New Delhi-45
3. Shri Satbir Singh
son of Shri Khem Chand
R/o Gali No.13 House No.2726
Ranjit Nagar, New Delhi
4. Shri Sahi Ram
Son of Shri Kale Ram
R/o Village Amberhai
PO Palam, New Delhi-45
5. Shri Dinesh Lal
Son of Shri Thepar Dass
R/o Garage No.56, Ferozshah Road
New Delhi-2
6. Shri Partap Singh
Son of Shri Bharat Singh
R/o Shahbad Mohammed Pur
PO Palam, New Delhi-45
7. Shri Shiv Kumar
son of Shri Butan Ram
R/o E-312 Khayala J J Colony
New Delhi-18

8. Shri Chander Shekhar
R/o H. No.249, village Nawada
P.O. Uttam Nagar
NEW DELHI-59

Address of all the applicants: ... Applicants

C/o R. Venkatramani and S. N. Garg,
Advocates, 14A/13 W.E.A. Karol Bagh
NEW DELHI-5

By Advocate:

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Union of India through

1. Secretary
Ministry of Urban Development
Nirman Bhawan
NEW DELHI

2. Secretary
Ministry of Labour
Shram Shakti Bhawan
Rafi Marg
NEW DELHI

3. The Director General of Works
C.P.W.D., Nirman Bhawan
NEW DELHI

... Respondents

By Advocate: None.

O R D E R
(Oral)

Mr A. V. Haridasan, M(J)

The applicants have filed this OA under section 19 of the Administrative Tribunal Act, 1985 praying that the practice followed by the respondent No.3 in continuing to employ its employees on "hand receipt" without giving them regular appointment is arbitrary and violative of Article 14, 16 and 21 read with Article 38, 41 and 43 of the Constitution and to give a direction to the respondents to draw up a reasonable Scheme with norms providing security of work for the employees who complete more than six months' continuous employment in CPWD on "daily wage" or "hand receipt" basis.

It is alleged in the application that the applicants have been continuously working on casual basis from 1986 onwards and that they are still being treated as casual Mazdoor without giving them a feeling of belonging to a service. In the application reference has been made to the direction of the Hon'ble Supreme Court in Surinder Singh's case (1986) 1 SCC 639 Vs. CPWD and has reiterated the necessity of drawing up of a reasonable scheme by implementation of which the applicants can get the benefit of regular service.

2. The respondents in their lengthy reply have contended that the applicants have no cause of action as their services have not been dispensed with. It is also contended that the applicants have been on engagement only for casual work and that they have no right to claim for regular appointment. However, it is indicated in the reply that Hon'ble Supreme Court's directions in Surinder Singh's case ~~regarding~~ drawing up of a reasonable scheme for casual workers for their regularisation is in the offing.

3. When the application came up for final hearing, the learned counsel for the applicant submitted that 5 persons who were members of the SC have also been absorbed and that the remaining applicants are still continuing as casual labourers. Adverting to the contention of the reply statement that applicants 2&3 have become overaged, even on the date of officiating as casual labourers, they may not be entitled to the benefit of regular appointment. The learned counsel for the applicant further submitted that respondents

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may consider relaxation of the age limit in case of applicants 2&3. Since applicants 5&7 have already been regularised in service, and as the applicants ⁽²⁾ are still continuing in service, and respondents ⁽²⁾ have undertaken ⁽²⁾ that the scheme for regularisation of the casual labourers is ~~in the offing~~, we are disposing of the application with the following directions:-

- (a) The applicants who have not been regularly absorbed in service, shall continue to be engaged for casual work as and when work ⁽²⁾ is available, in the organisation;
- (b) Their cases for regularisation should be considered in accordance with the Scheme ^{and} and if necessary ^{and} permissible by relaxation of the upper age limit.

4. With these directions, the OA is finally disposed of without any order as to costs.


(B. K. Singh)
Member (A)


(A. V. Haridasan)
Member (J)

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