

(3)

In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. OA-541/88

Date: 13.8.1993.

Shri Omkar & Ors. Applicants

Versus

Union of India & Ors. Respondents

For the Applicants None

For the Respondents Shri P.P. Khurana, Advocate

CORAM: Hon'ble Mr. I.K. Rasgotra, Administrative Member
Hon'ble Mr. J.P. Sharma, Member (Judl.)

1. To be referred to the Reporters or not?

Judgement (Oral)

(By Hon'ble Mr. I.K. Rasgotra, Member)

Shri P.P. Khurana, learned counsel for the Respondents, assisted us in the disposal of the case. The petitioners Shri Ram Phal, Smt. Kamlesh, Smt. Sheela and Shri Omkar joined the Department of Science and Technology as casual labourers on 30.3.1984, 28.5.1986, 22.9.1986 and 22.9.1986 respectively as Safai Karamcharis. Their grievance is that they are not being given the pay and allowances and even other conditions of service as admissible and applicable to regular and permanent Group 'D' employees. They claim the benefit of the principle of 'equal pay for equal work' retrospectively from the date

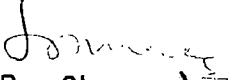
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of their appointment. They also pray that the respondents be directed to absorb them as regular Group 'D' employees principally on the ground that they have worked for more than 240 days in each year of their employment as Safai Karamchari in the office of the respondents.

2. The stand of the respondents is that except for petitioner No.1, namely, Shri Ram Phal, none of them has rendered service for more than 240 days. Petitioner No.1 is, therefore, eligible for consideration for appointment as regular Group 'D' employee as and when the vacancies become available. The respondents further contend that all the petitioners are continuing in the office of the respondents in accordance with the order of the Tribunal passed on 19.4.1988 to maintain status quo. till the disposal of the case. The respondents have submitted that the petitioners shall be considered for regular appointment against regular posts as and when vacancies become available and subject to their fulfilling the eligibility criteria and subject to the relevant instructions in regard to the posts for Scheduled Castes and Scheduled Tribes and Ex-Servicemen. The respondents have also confirmed that petitioners are being paid salary and allowances as per the rates fixed by the Ministry of Labour.
3. We have considered the matter carefully and are of the opinion that the respondents ~~shall~~^{should} consider the petitioners for regular appointment as and when vacancies become available

in accordance with the extant rules. The petitioners who have completed 240 days' service in successive two years, shall have priority for absorption against regular posts subject to their fulfilling the eligibility criteria and meeting other requirements as prescribed under the rules. ~~XXXXXX/88 is disposed of on the above lines~~

The respondents are further directed that they shall not replace the petitioners by appointing another set of daily-wagers. The O.A. is disposed of as above. No costs.


(J.P. Sharma)
Member(J)


(I.K. Rasgotra)
Member(A)