

In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. Nos. :

Dated: 01.05.1992

1. OA-1153/88, and
2. OA-1154/88

1. Shri Surjit Singh }
2. Shri Yash Paul } Applicants

Versus

Union of India through
the Secy., Miny. of
Defence & Others Respondents

For the Applicants Shri V.P. Gupta, Counsel

For the Respondents Shri M.L. Verma, Counsel

CORAM: Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Mr. I.K. Rasgotra, 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*

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

The applicant in OA-1153/88 has worked as casual muster roll Oil Engine Driver, while the applicant in OA-1154/88 has worked as a casual muster roll Lineman/Wireman. They are aggrieved by the termination of their services and have sought for reinstatement and regularisation with all consequential benefits.

2. We have gone through the records of the case carefully and have heard the learned counsel for both the parties. The learned counsel for the respondents

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relied upon the recent decision of the Supreme Court in Delhi Development Horticulture Employees Union Vs. Delhi Administration, 1992 (1) SCALE 294, according to which, for the purpose of regularisation, sponsorship of a candidate by the Employment Exchange is a necessary pre-condition. According to him, the applicants before us were not sponsored through the Employment Exchange at the time of their initial engagement and that they had not passed the Trade Test for the purpose of regularisation.

3. As against the above, the learned counsel for the applicants drew our attention to the "Convening order" dated 14.11.1987 issued under the signature of Lt. Col., Officiating Additional Chief Engineer which provides that a Board of officers will be in charge of selection of skilled category of industrial personnel. The Board shall also entertain the candidates who have I.T.I. qualifications and have also rendered muster roll service

in the department. The embargo of 180 days' service in such case shall not be applicable.

4. The learned counsel for the applicants submitted that both the applicants possess I.T.I. qualifications and that they shall be subjected to interview/Trade Test

by the Board of Officers in view of the aforesaid provisions.

(Sd/- M. N. K. Rana)
(Sd/- M. N. K. Rana)

5. As regards the period of service rendered by the applicants, we have before us divergent versions. The applicants have contended that they have worked for more than three years, whereas the respondents have denied this. The number of days worked by muster roll casual employees is not material in view of the aforesaid stipulations contained in the Convening Order dated 14.11.1987.

6. In the light of the foregoing, the applications are disposed of with the direction to the respondents to consider the suitability for appointment of the applicants on regular basis in accordance with the provisions of the Convening Order dated 14.11.1987 by calling the applicants for interview/Trade Test. In case they are found fit for appointment in regular posts commensurate with their qualifications and experience, in accordance with the provisions of the said Convening Order, the applicants shall be appointed in regular posts.

7. The respondents shall comply with the above directions as expeditiously as possible, but preferably within a period of four months from the date of communication of this order. There will be no order as to costs.

Let a copy of this order be placed in both the case files.

(I.K. Raipotra) 11/1/88
Administrative Member

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