

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CCP No.285 of 1991 in

O.A. 2306 of 1989

New Delhi this the 13th day of December, 1993

Mr. Justice S.K. Dhaon, Vice-Chairman

Mr.B.N. Dhoundiyal, Member (A)

1. Shri Raj Kamal
 2. Shri Deeraj Singh
 3. Shri Ganga Ram
 4. Shri Murari Lal ...Petitioners
- By Advocate Shri V.P. Sharma

Versus

1. Shri B.K. Goswami,
Secretary,
Ministry of Food & Civil Supplies,
Krishi Bhawan,
New Delhi.
2. Shri D.P. Trivedi,
Under Secretary,
Min. of Food & Civil Supplies,
Krishi Bhawan,
New Delhi. ...Respondents

By Sr.Advocate Shri P.H. Ramachandani

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The petitioners have appraoched this Tribunal with the complaint that the directions given by this Tribunal in the O.A. decided on 16.02.1990 have not and are not being implemented.

2. A reply has been filed on behalf of the respondents. Counsel for the parties have been heard.

3. The directions are really contained in paragraph 29 of the judgment.

4. Direction No.(i) merely depicts the practice and procedure to be adopted by the respondents in the matter of engagement, disengagement and regularisation of casual labourers. The direction is that the Government of India, except the Ministry of Railway, should be treated as a single unit in the context of engagement and regularisation of casual labourers.

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5. The direction No.(ii) is that the impugned order dated 12.10.1989 be set aside and quashed. If this direction is implemented then the petitioners have to be reinstated as casual labourers Group "D".

6. The direction No.(iii) if read as a whole goes to show that the petitioners are to be continued as casual labourers in the same capacity as they were working on 12.10.1989. Their services have to be regularised later on. Admittedly, the petitioners have been given employment as casual labourers Group "D". We have no doubt that the respondents shall consider the cases of the petitioners for regularisation in accordance with the scheme which they have already framed.

7. Direction No.(iv) is that in case no vacancies exist in the Ministry of Food and Civil Supplies and its offices; the petitioners should be adjusted against the vacancies of Group "D" staff in other ministries/ departments/attached/subordinate offices and so on. This situation will not arise here as admittedly the petitioners are working in the Ministry of Food and Civil Supplies and their offices.

8. Direction No.(v) is that the respondents are directed not to induct fresh recruits as casual labourers through Employment Exchange or otherwise, overlooking the preferential claims of the applicants. This direction is applicable only if the applicants are not given employment. The order dated 12.10.1989 dispensing with their services have already been quashed.

9. The direction No.(vi) is that 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

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employees belonging to the Group "D" category. It is not the complaint ^{that} the petitioners are not ^{being} paid in accordance with the orders and instructions issued by the DP&T. The question of paying them regular salary will arise only after their regularisation.

10. The last direction is that the interim order dated 11.12.1989 and continued thereafter directing the respondents that the status quo as regards the continuance of the applicants as casual labourers, be maintained, is made absolute. It appears that under the interim order of the Court, the petitioners were allowed to work and respondents have permitted the petitioners to continue working as casual labourers Group "D". That condition, therefore, stands fulfilled.

11. The order sheet dated 3.5.1993 in the Contempt Proceedings shows that on that day, the matter was adjourned to 03.08.1993 to enable the respondents to produce the final scheme and to report full compliance of the judgment of the Tribunal.

12. A counter-affidavit has been filed on behalf of the respondents annexing thereto the scheme prepared by them. We have perused the scheme. The only objection raised by Shri Sharma is that this scheme has not been prepared in accordance with the directions given by this Tribunal in para 21 of the judgment. We have read and reread the contents of paragraph 21. This Tribunal gave no direction as to what should be the subject matter of the scheme. The Tribunal merely made some recommendations. We have seen the scheme and we find that ample provision has been made therein for regularising the services of the casual labourers. However, we make it clear that if the petitioners have any real grievance against the scheme, it will be open to them to challenge it before the appropriate forum.

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13. Shri Sharma apprehends that inspite of the direction of this Tribunal, the respondents will disengage the petitioners. On the contrary, Shri Ramchandani has brought to our notice an order dated 7.10.93 whereby the services of one of the petitioners have been regularised. He states that this order indicates that the remaining 3 petitioners have been given temporary status. The apprehension of Shri Sharma, therefore, has no foundation.

14. We find that no case has been made out for continuing Contempt of Court Proceedings. The Contempt Petition is rejected and the notices issued to the respondents are discharged.

B.N. Dhoondiyai
(B.N. DHOUNDIYAI)
MEMBER (A)
13.12.1993

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN
13.12.1993

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