

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 106/90
T.A. No.

199

DATE OF DECISION 19.09.1990.

<u>Shri Swami Nath Baitha</u>	Petitioner
<u>Shri K.K. Rai</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India through</u>	Respondent
<u>Secretary, Department of Civil Supplies</u>	
<u>Shri P.H. Ramchandani, Sr. Counsel</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

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*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. D.K.
Chakravorty, Administrative Member)

The applicant has worked as a Peon in the Department of Civil Supplies from 1983 till his services were terminated by verbal orders on 16.12.1989. In between, he has worked as Chowkidar in the NCDC office from 29.12.1987 to 16.3.1989. Some casual employees of the Department of Civil Supplies had filed OA 2306/89 in this Tribunal (Shri Raj Kamal & Others Vs. Union of India). They were junior to the applicant but they have been retained in service pursuant to the interim order passed by this Tribunal and the final judgment dated 16.2.1990.

8 This is the grievance of the applicant.

2. The respondents have stated in their counter-affidavit that the services of the applicant were no longer required and that they have taken a policy decision at the highest level to do away with the services of all daily wagers. They have, however, admitted that Shri Raj Kamal & Others who have been allowed to continue in service are junior to the applicant.

3. We have considered the matter carefully and have heard the learned counsel of both parties. In our judgment in Raj Kamal's case, we have considered all the aspects of the engagement of casual labourers by the Union of India. The same view was reiterated in our subsequent judgment dated 22.8.1990 in OA 2460/89 (Shri Girish Pal & Others Vs. U.O.I. through the Secretary, Department of Civil Supplies). Following the ratio in Raj Kamal's case and in Girish Pal'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 applicant for appointment in a regular vacancy in the post of Group 'D' arising in the Ministry of Food & Civil Supplies and its offices at Delhi. In case, no vacancy exists in the Ministry of Food and Civil Supplies and its offices, he should be adjusted against the vacancies of Group 'D' staff in other ministries/

Departments/attached/subordinate offices for appointment in accordance with the scheme to be prepared by the respondents, as mentioned in para 21 of this Tribunal's

judgment 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 applicant.

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

(iv) The respondents shall comply with the above directions within a period of 2 months from the date of receipt of this order.

There will be no order as to costs.

D. K. Chakravorty
(D.K. CHAKRAVORTY)
MEMBER (A)

19/9/90

P. K. Kartha
(P.K. KARTHA)
VICE CHAIRMAN (J)

19/9/90