

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 1185/90  
T.A. No.

199

DATE OF DECISION 2.8.91

Shri Prakash Chand	Petitioner Applicant
None	Advocate for the Petitioner(s)
Versus	
U.O.I. & anr.	Respondent
None	Advocate for the Respondent(s)

### CORAM

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

The Hon'ble Mr. B.N.DHOUNDIYAL, MEMBER(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

### JUDGEMENT

( JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE  
MR. B.N.DHOUNDIYAL, MEMBER)

This application has been filed by Shri Prakash Chand against termination of his services by the Directorate General, Deewarshan with effect from 1.2.90.

2. Sponsored by the Employment Exchange and after undergoing the regular selection process, the applicant was appointed as a daily wage worker on 1.11.89 and continued to work till 31.1.90 without a break including Sundays and holidays. After termination of his services, a batch of 30 fresh nominees was recruited through the Employment Exchange. This termination was against the policy of "first come last go". He prays that his services may be regularised in a group 'D' post from his date of appointment, and that he may be given a regular salary as in the case of other

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Group 'D' employees.

3. The respondents have stated in their counter-affidavit that the applicant does not hold/civil post, <sup>a</sup> that <sup>SN</sup> he was not duly selected and appointed by the competent authority, and that he is not entitled to any relief, as prayed for by him. With regard to the contention of the applicant that he should be continued in service and should not be displaced by another casual employee the respondents have stated that this plea is not tenable, as the applicant himself had replaced an earlier casual labourer on his engagement. The respondents have also relied upon numerous judicial pronouncements in support of their contentions.\*

4. We have gone through the records of the case carefully and have considered the rival contentions. We have also gone through the judicial pronouncements relied upon by the respondents. In a batch of applications filed by the casual labourers engaged in the Directorate General, Deordarshan, this Tribunal has delivered a judgement on 26.4.91, giving certain directions to the respondents (OA 2052/89 and connected matters - Shri Rameshwar and another Vs. Union of India through Director General, Deordarshan). After considering the relevant legal position, the Tribunal has concluded in para 11 of the judgement that "the respondents should frame a suitable scheme for absorption of the casual labourers within a period of four months from the date of receipt of the judgement dated 26.4.91. Pending this, the respondents shall allow the applicants to continue to work as casual labourers in their office as long as there is requirement for such workers. In

\*DECISIONS RELIED UPON BY THE RESPONDENTS.

1989(2) SLJ (SN) 656; 1989(3) SLJ 306; 1990(1) ALJ 614; 1990(1) SLJ 624; 1987 S.C.874; 1967 S.C.884; 1989(7) A.T.C.351; and 1990(2) ATLT 243.

case the disengagement of some casual labourers becomes unavoidable, it should be on the principle of 'last come, first go'. Till the applicants have been regularised, the respondents may not resort to fresh recruitment through the Employment Exchange or otherwise. Till they are regularised, the wages to be paid to them should be in accordance with the minimum in the scale of pay of the post held by a regular employee in a Group 'D' post. After regularisation, they should be placed on par with regular Group 'D' employees in respect of their service conditions and benefits."

5. The above directions equally apply to the case of the present applicant before us. The applicant shall be taken back in service in preference to his juniors and outsiders. The application is disposed of on the lines of the aforesaid directions.

There will be no order as to costs.

*B.N. Dhoondiyal*  
( B.N.DHOONDIYAL ) 2/8/91  
MEMBER(A)

*P.K. Kartha*  
2/8/91  
( P.K.KARTHA )  
VICE CHAIRMAN(J)