

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1508/90
T.A. No.

199

DATE OF DECISION 24.7.1991

<u>Shri Praveen Kumar Verma</u>	<u>Petitioner</u> Applicant
<u>Shri V.P. Sharma</u>	Advocate for the Petitioner(s) Applicant
Versus	
<u>Union of India & Others</u>	Respondent
<u>Shri M.L. Verma</u>	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, 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*

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

The applicant has worked in the office of the Director General, Doordarshan, New Delhi. The relief sought by him is that the respondents should be restrained from disengaging his services and from engaging fresh candidates from the open market in his place.

2. The application was filed in the Tribunal on 25.7.1990. On 27.7.1990, the application was admitted and an interim order was passed to the effect that the respondents shall consider appointing the applicant as casual labourer in case there are vacancies of casual

labourers, in preference to outsiders. On 20.11.1990, the applicant filed MP-2877/90, wherein he prayed that the interim order passed on 27.7.1990 be modified so as to direct the respondents to consider engaging him as casual labourer in preference to his juniors and outsiders. The Tribunal directed the respondents accordingly.

3. The facts of the case in brief are as follows. The applicant has registered his name with the Employment Exchange at Kamla Market. The Employment Exchange sponsored his name engaging him as casual labourer in the office of the respondents. He has stated that he was engaged w.e.f. 1.9.1989. Thereafter, he was not given duty, though his juniors were allowed to continue to work.

4. The respondents have stated in their counter-affidavit that the applicant does not hold a civil post, that he was not duly selected and appointed by the competent authority, and that he was not entitled to any relief, as prayed by him. With regard to his contention that he should be continued in service and should not be displaced by a fresh recruit, the respondents have stated that this plea is not tenable and he himself had replaced an earlier group of casual labourer on his engagement

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on 1.9.1989. The respondents have also relied upon numerous judicial pronouncements in support of their contentions.

5. 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, Doordarshan, this Tribunal has delivered a judgement on 26.4.1991, giving certain directions to the respondents (DA-2052/89 and connected matters - Shri Rameshwar and Another Vs. Union of India through Director General, Doordarshan). 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 26.4.1991. 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."

6. The above directions equally apply to the case of the applicant before us. The application is disposed of on the ~~same~~ ^{lines} aforesaid and directions.

There will be no orders as to costs.

B. N. Dholiyal
(B. N. Dholiyal) 14/1/91
Administrative Member

Answered
24/7/91
(P. K. Kartha)
Vice-Chairman (Judl.)