

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1535/90

199

T.A. No.

DATE OF DECISION 26.7.1991

Shri Karambir Singh & 2 Others	Petitioner Applicants
Shri V.P. Sharma	Advocate for the Petitioner(s) Applicants
Versus	
Union of India through the Secy., Miny. of I&B & Others	Respondent
Shri M.L. Verma	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*

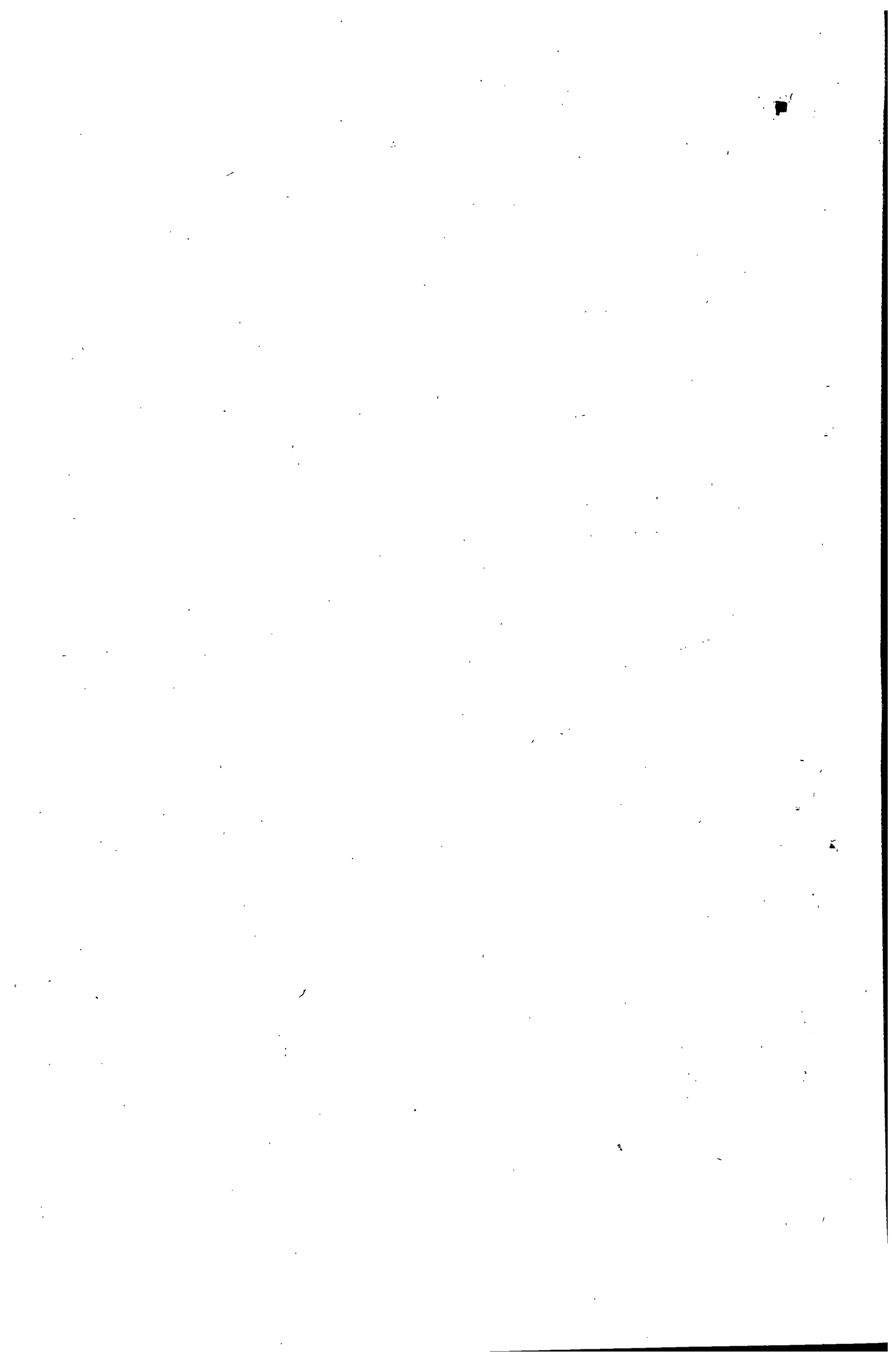
(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The applicants are casual labourers working in the Office of the Director General, Doordarshan, New Delhi.

The relief sought by them is that the respondents should be restrained from relieving them from duty and engaging fresh candidates from the open market and also retaining their juniors.

2. The application was filed in the Tribunal on 30.7.90. On 31.7.1990, the application was admitted and an interim order was passed to the effect that the services of the

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applicants shall not be replaced by fresh recruits, if there are vacancies in the grade of casual workers. This interim order was thereafter continued until further orders.

3. The applicants have stated that their names are registered at Kamla Market Employment Exchange, Delhi, and that their names were forwarded to the respondents for engagement as casual workers. Shri Karambir Singh, the first applicant, was engaged from 1.6.1990 to 31.7.90. Shri Anup Singh, the second applicant, was engaged from 1.5.1990 to 30.8.1990. Shri Rajinder Singh, the third applicant, was engaged from 1.6.1990 to 31.7.1990.

4. The respondents have stated in their counter-affidavit that the applicants do not hold civil posts, that they were not duly selected and appointed by the competent authority, and that they are not entitled to any relief, as prayed by them. With regard to the contention of the applicants that they should be continued in service and should not be displaced by another group of casual employees, the respondents have stated that this plea is not tenable, as the applicants themselves had replaced an earlier group of casual labourers on

their engagement. The respondents have also relied upon a 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 (OA-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 ~~xxxxxx~~ 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.

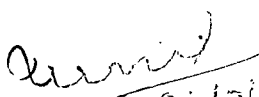
or

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 present applicants before us. The application is disposed of on the lines of the aforesaid directions.

There will be no orders as to costs.


(B.N. Dhoundiyal) 26/7/81
Administrative Member


26/7/81
(P.K. Kartha)
Vice-Chairman(Judl.)