

Central Administrative Tribunal
Principal Bench: New Delhi

1. OA No.1620/90

New Delhi this the 23rd Day of August, 1994.

Sh. N.V. Krishnan, Vice-Chairman (A)
Sh. C.J. Roy, Member (J)

Lalit Mohan Singh

S/o Sh. Ganga Singh,
R/o 24, Akbar road (Servants Qtrs),
New Delhi.

...Applicant

(By Advocate Sh. B.S. Randhawa, though none appeared)

Versus

1. Union of India through
Secretary, Ministry of Information
and Broadcasting, New Delhi.

2. Director General,
Doordarshan,
Mandi House,
New Delhi.

...Respondents

(By Advocate Sh. M.L. Verma)

✓ 2. OA No.1623/90
Ghanshyam Singh
S/o Sh. Pratap Singh,
R/o 24, Akbar Road (Servant Qtrs),
New Delhi.

...Applicant

(By Advocate Sh. B.S. Randhawa, though none appeared)

Versus

1. Union of India, through
Secretary, Ministry of Information
and Broadcasting,
New Delhi.

2. Director General,
Doordarshan,
Mandi House,
New Delhi.

...Respondents

(By Advocate Sh. M.L. Verma)

ORDER(ORAL)

Hon'ble Mr. N.V. Krishnan:-

Both these O.As, in which the grievance is similar are being disposed of by this common order.

2. Neither the applicant in these cases nor his counsel appeared before us, though the case was called twice. Sh. M.L. Verma, learned counsel for the respondents, however was present. We have,

therefore, heard him and we have perused the records of the case. The applicant in OA-1620/90 was admittedly engaged as a daily wage worker from 1.9.89 to 30.11.89 in the Doordarshan under the first respondent and thereafter he was not engaged. The applicant in OA-1623/90 was similarly engaged as a daily wage worker by the Doordarshan from 1.12.89 to 28.2.90 and thereafter he was not re-engaged. These applicants have prayed for a direction to the respondents to cancel the order of termination to regularise them and pay the applicants equal pay like the regular employee in Group 'D' post.

3. It is stated that the respondents chose to employ a batch of casual labourers for three months and when one batch has worked for 90 days they are not re-engaged. Instead, another batch of casual worker are re-engaged for 90 days and so on. It is in these circumstances that several of the casual labourers got dis-engaged after working only for 90 days.

4. In the reply the respondents have contended that the applicants were not re-engaged because their services were no longer required and that having worked for 90 days they have no claim on the respondents.

5. It is clear that work was continuously available with the department but the respondents chose to engage a batch of daily wage workers only for a period of 90 days and thereafter they were dis-placed by another batch. A charitable interpretation of this practice would be that the respondents felt that the benefit of the limited available vacancies should be given to as large a number of

employees as possible. A more reasonable interpretation could be that the respondents did not want that any casual labourer should be put on work for a continuous period of 240 days, lest he should acquire some right under the provisions of Industrial Disputes Act, 1947. Be that as it may, similar matters have come up before the Tribunal earlier in which an important direction given to the respondents was to prepare a scheme for regularisation of such casual labourers. The learned counsel for the respondents agrees that there was such a scheme, which was notified under Department of Personnel and Training's No. ~~5106/2/90-Estt.(G)~~ ^{copy kept on record} dated 10.9.93, which contemplates granting certain benefits to such casual labourers provided they satisfy the conditions mentioned therein. We are of the view that these applications should be disposed of with a direction to the respondents to consider the case of these two applicants in the light of the aforesaid scheme and grant to them the benefits of the scheme, if they are otherwise eligible to get such benefits.

6. Accordingly, we dispose of these applications with a direction to the second respondent to consider the case of these applicants, as mentioned above. The result of such consideration shall be intimated to the applicants within a period of three months from the date of receipt of this order. The applications are disposed of, as above. No costs.

7. We make it clear that the learned counsel

for the respondents would be entitled to fee in both the cases.

8. Let a copy of this order be placed in both the files.

(C.J / Roy)
Member (J)

'Sanju'

— 23. —
(N.V. Krishnan)
Vice-Chairman (A)

True copy
Attested

PRITAM SINGH
Court Officer
Central Administrative Tribunal
Principal P. C.
Faridkot House, New Delhi

Attested

23/8/94