

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHIO.A. No. 1865/90
TXAXXNO

199

DATE OF DECISION 3rd May, 1991.Shri Gokul Negi PetitionerShri A.K. Bhardwaj Advocate for the Petitioner(s)

Versus

Union of India & Ors. RespondentShri M.L. Verma Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. D.K. Chakravorty, 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(oral) of the Bench delivered by
Hon'ble Shri P.K. Kartha, Vice Chairman(J)

We have heard the learned counsel for both parties. The relief sought in this application is that respondents be directed to allow the applicant to continue as Casual Labourer in the office of the respondents in preference to his juniors and freshly recruited persons.

2. The same issue was considered in a batch of applications disposed of by the Tribunal on 26.4.91 (O.A.2052/89 and connected matters - Rameshwar and Another Vs. Union of India through the Director General, Doordarshan). In the said Judgement, the Tribunal concluded that in order to make the system of engagement of Casual Labourers within legal and constitutional limits, it is imperative that the respondents should evolve a rational scheme for regularising them. Accordingly, the applications were disposed of by the following directions:

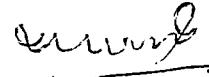
~~3.~~ " In our view, the respondents should frame a suitable scheme for absorption of the Casual labourers within a period of four months from the date of receipt of this order. Pending this, the respondents shall allow the applicant to continue to work as Casual labourer in their office as long as there is requirement for such workers. In case the disengagement of some casual labourers becomes unavoidable, it should be on the principle of 'Last come first go'. Till the applicant has been regularised, the respondents may not resort to fresh recruitment through Employment Exchange or otherwise. Till he is regularised, the wages to be paid to him 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, he should be placed on par with/regular Group 'D' employee in respect of his service conditions and benefits."

3. The present application is also disposed of on the above lines.

4. The Interim order passed on 14.9.91 directing the respondents to consider engaging the applicant as Casual Labourer in preference to his juniors and outsiders, if vacancies of casual labourer are available, is hereby made absolute.

There will be no orders as to cost.


(D.K. CHAKRAVORTY)
MEMBER(A)


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