

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA-1935/90

Date of decision: 29.5.1992

Shri Bhanu Pratap & Ors. .... Applicants

Versus

Union of India & Anr. .... Respondents

For the Applicants .... Shri J.C. Madan, Advocate

For the Respondents .... Shri M.L. Verma, Advocate

CORAM:

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

The Hon'ble Mr. I.K. Rasgotra, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*

2. To be referred to the Reporters or not? *No*

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

The three applicants before us have worked as casual labourers in the office of the respondents and they are seeking regularisation in suitable Group 'D' posts and for a direction to the respondents not to terminate their services in the meanwhile. They are continuing in service pursuant to the interim order passed by the Tribunal on 25.9.1990.

2. There is divergence in the versions of the applicants as well as the respondents as regards the period of service

rendered by the applicants as casual labourers. According to the applicants, Shri Bhanu Pratap, applicant No. 1, has worked as a casual labourer from 6.4.1984 to 15.11.1984, 18.12.1984 to 31.11.1985, 14.4.1986 to 15.7.1986, 23.4.90 to 14.9.1990 and from 13.5.1990 till date (by virtue of the stay order given by the Tribunal). S/Shri Shiv Prasad and Kishan Chand, Applicant Nos. 2 and 3, have worked as casual labourers from 23.4.1990 to 14.9.1990 and from 13.5.1991 till date (by virtue of the stay order passed by the Tribunal). According to the respondents, Shri Bhanu Pratap has worked as a casual labourer from April 1990 to September, 1990 for a period of 93 days only, while the other two persons have worked for 92 days and 96 days, respectively during the same period. The respondents have not produced any records to substantiate the statements made by them. The applicants have produced some testimonials given by the officers of the respondents in support of the period of engagement claimed by them.

3. The applicants have, inter alia, contended that the respondents did not follow the principle of 'last come, first go' and they have replaced the applicants by fresh nominees from the Employment Exchange. They have filed a miscellaneous petition on 18.5.1992, wherein they have given the names of the persons junior to them who have been regularised by the respondents. The respondents have,

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however, denied in their counter-affidavit the version of the applicants that persons junior to them have been retained in service.

4. After hearing both the parties and going through the records carefully, the application is disposed of with a direction to the respondents to continue to engage the applicants as casual labourers so long as they need the services of the casual labourers and in preference to the persons with lesser length of service and outsiders. The respondents are further directed to consider the regularisation of the services of the applicants in Group 'D' posts in accordance with the relevant administrative instructions issued by the Department of Personnel & Training. The application is disposed of on the above lines. There will be no order as to costs.

*Shyam*  
(I.K. Rasgotra) 29/5/92  
Administrative Member

*Arvind*  
29/5/92  
(P.K. Kartha)  
Vice-Chairman (Judl.)