

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-2035/90 Date of decision: 4.12.1992

Shri Bhanwar Singh & Ors. Applicants

Versus

Union of India & Ors. Respondents

For the Applicants Smt. Rani Chhabra, Advocate

For the Respondents Shri M.L. Verma, Advocate

CORAM:

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

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

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

JUDGMENT
(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The applicants, who have worked as casual labourers in Delhi or its neighbourhood, have prayed in this application that the respondents be directed to accommodate them at the place where they had worked, and that they be restrained from transferring the applicants to remote areas. In the present application, they have challenged the validity of the orders of transfer issued to them,

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whereby they have been posted outside Delhi.

2. The applicants were sponsored by the Employment Exchange and were recruited in 1985-86 as daily-rated Mazdoor and were posted at the Satellite Communication Project under Respondent No.4 (Divisional Engineer, Telecom-I, New Delhi). They were recruited for INSAT-1C at Sikandarabad. While applicant Nos.1-3 were working at Surajpur in November, 1989, their services were terminated. At that time, applicant No.4 was working at Sikandarabad. Thereafter, the applicants filed applications in this Tribunal which were disposed of by judgement dated (O.A-2369/89). 22.5.1990 By the said judgement, the respondents were directed to reinstate the applicants in service and engage them as casual labourers, as far as possible, at the place where they had worked earlier, failing which, they should be accommodated in vacancies existing anywhere else in India where the respondents have their offices. After reinstating them, the respondents were directed to consider regularising their services in accordance with the scheme prepared by them.

3. The case of the applicants is that the respondents reinstated in service all the casual labourers but the applicants before us were not given the same treatment. By impugned orders dated 18.7.1990 and 4.8.1990, they were

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asked to report at Shillong and thereafter, at Tripura. The applicants have alleged that their transfer to remote areas was with a view to harassing them. They have submitted that there are enough vacancies at Secunderabad/Surajpur to accommodate them.

4. The case of the respondents is that the applicants were declared surplus in their respective offices and were reinstated pursuant to the judgement of the Tribunal, mentioned above. They were thereafter deployed in places where there were vacancies in the Satellite Project.

5. We have gone through the records of the case carefully and have considered the rival contentions. Normally, a casual labourer is to be accommodated at the place where he has his permanent residence and posting him elsewhere would give rise to hardship. However, in case there is no vacancy to accommodate him there, he may be posted as a casual labourer wherever a vacancy exists.

6. The learned counsel for the applicant drew our attention to the judgement of the Supreme Court dated 3.9.1992 in Civil Appeal No.3792/92 (Union of India & Others Vs. Shri Munim Singh & Others) in which the Supreme Court has set aside the direction of this Tribunal for preparation of seniority list of casual labourers on All India basis. The submission of the respondents before

the Supreme Court was that they are maintaining seniority lists on divisional basis. This submission was accepted by the Supreme Court.

7. After careful consideration, we dispose of the present application with a direction to the respondents to accommodate the applicants in the Delhi Division, where they had worked, depending on the availability of vacancies in the said Division. In case, they cannot be accommodated in the Delhi Division, the respondents may consider posting them in other nearby places as casual labourers, depending on the availability of vacancies. The application is disposed of on the above lines. There will be no order as to costs.

B.N. Dholiwal
(B.N. Dholiwal) 4/12/92
Administrative Member

Partha
4/12/92
(P.K. Kartha)
Vice-Chairman(Judl.)