

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 2355/90
T.A. No.

199

DATE OF DECISION 26.2.1992

Shri Gopal Adhikari	Petitioner Applicant
Shri R.K. Sheoran	Advocate for the Petitioner(s) Applicant
Versus Union of India & Others	Respondent
Shri P.H. Ramchandani	Advocate for the Respondent(s)

CORAM

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 applicant, who has worked as a casual labourer in the office of the respondents, is aggrieved by the termination of his services w.e.f. 14.6.1990. He has prayed for his reinstatement as casual labourer.

2. The applicant has worked as casual labourer in three spells, viz., from 27.3.1989 to 30.6.1989, 15.7.89 to 15.1.1990, and 15.5.1990 to 14.6.1990.

3. We have carefully gone through the records of the case and have heard the learned counsel for both the parties.

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Admittedly, the applicant has not worked for 240 days (206 days each) in two consecutive years preceding the date of his disengagement, as required under the Administrative Instructions issued by the Department of Personnel & Training as the eligibility condition for regularisation. He has, therefore, only the limited right to be considered for engagement as casual labourer in preference to persons with lesser length of service and outsiders. The respondents have stated in their counter-affidavit that after disengaging the applicant as casual labourer, they have not appointed any person in his place. His disengagement was pursuant to a policy followed by them not to engage casual labourers. In MP-1404/90, the applicant has stated that several persons have been engaged by the respondents as casual labourers w.e.f. 18.4.1991. The names of five persons who have been thus engaged, have been mentioned in

the persons mentioned in the M.P. are still ~~not~~ continuing in service. X

para.6 of the M.P. According to the respondents, it was pursuant to the interim order passed by the Tribunal that

4. The respondents have not stated that the work and conduct of the applicant was not satisfactory. In the facts and circumstances, we dispose of the present application with the direction to the respondents to engage the applicant as casual labourer so long as persons with lesser length of service have been retained by them, including those retained by them pursuant to the interim orders passed by the Tribunal. While disengaging

the casual labourers, they are directed to follow the principle of 'last come, first go'. The respondents shall comply with the above directions within a period of three months from the date of communication of this order. The interim order passed on 16.11.1990 and continued thereafter, is hereby made absolute.

5. There will be no order as to costs.

B.N. Dhondiyal
(B.N. Dhondiyal)
Administrative Member

P.K. Kartha
(P.K. Kartha)
Vice-Chairman (Judl.)