

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.Nos. (1) MP 275/91 in Date of decision: 08.01.1992.  
OA 1681/90

(2) MP Nos. 276, 1825/91 in  
OA 1682/90

(3) MP 277/91 in  
OA 1683/90

(4) MP Nos. 278, 1826/91 in  
OA 1684/90

(5) MP ~~2298/91~~ in  
OA 2317/90

✓ (6) MP 1918/91 in  
OA 2361/90

(7) MP 2418/91 in  
OA 2635/90

(8) MP 2417/91 in  
OA 2636/90

(1) MP 275/91 in  
OA 1681/90

Shri Kuldev Jha

...Applicant

Vs.

Director of Education,  
Delhi Administration & Another ..Respondents

(2) MP Nos. 276, 1825/91 in  
OA 1682/90

Shri Vimal Kant Jha

...Applicant

Vs.

Director of Education,  
Delhi Administration & Another ..Respondents

(3) MP 277/91 in  
OA 1683/90

Shri Madan Pal

...Applicant

Vs.

Director of Education,  
Delhi Administration & Another ..Respondents

(4) MP 278/91, MP 1826/91 in  
OA 1684/90

Shri Rajinder Jha

...Applicant

Vs.

Director of Education,  
Delhi Administration & Another ..Respondents

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(5) MP 2398/91 in  
OA 2317/90

Shri Dina Nath Prasad & Others

..Applicants

Vs.

Director of Education,  
Delhi Administration & Another

..Respondents

(6) MP 1918/91 in  
OA 2361/90

Shri Niranjan Lall & Others

..Applicants

Vs.

Director of Education,  
Delhi Administration & Another

..Respondents

(7) MP 2418/91 in  
OA 2635/90

Shri Baljeet Singh

..Applicant

Vs.

Director of Education,  
Delhi Administration & Another

..Respondents

(8) MP 2417/91 in  
OA 2636/90

Shri Hoshier Singh

..Applicant

Vs.

Director of Education,  
Delhi Administration & Another

..Respondents

For the Applicants in (1) to (8) above

..Shri D.R.Gupta,  
Counsel

For the Respondents in (1) to (8) above

..Ms. Ashoka Jain  
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHUNDIYAL, 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? *Yes*

JUDGMENT (ORAL)

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

In these batch of applications, the applicants who have worked as casual labourers in the State of Karnataka, the Directorate of Education are claiming regularisation of their services in regular posts and for a direction that they be reinstated and be paid all consequential benefits including back wages.

2. As common questions of law have been raised in these applications, it is proposed to deal with them in a common judgment.

3. At the time of admission of these applications, ex-parte interim orders were passed directing the respondents to consider appointing the applicants as casual labourers, if vacancies were available, in preference to outsiders. The interim orders have thereafter been continued till the cases were taken up for hearing today, i.e., 8.1.1992.

4. We have heard the learned counsel of both parties and have gone through the records of these cases. The respondents have drawn our attention to page 3 of their counter-affidavit in which they have stated that they are taking steps to regularise the applicants who fulfil the following requirements:-

- (i) who is below the age of 25 years at the time of initial engagement;
- (ii) who has got continuous service of 2 years and has worked for 240 days in each year;

- (iii) who is medically fit;
- (iv) whose work is satisfactory; and
- (v) who is registered with the Employment Exchange.

5. The applicants are continuing as casual labourers by virtue of the interim orders passed by the Tribunal. Such of those casual labourers who have worked for 240 days each in two years are eligible for regularisation in accordance with the administrative instructions issued by the Department of Personnel & Training. However, in a catena of judgments delivered by the Supreme Court, the Government has been directed to regularise casual labourers who have worked for 240 days in a year. The learned counsel for the applicants also states that all the applicants before Q worked for more than 240 days and that they Q us have Q been registered in the Employment Exchange before they were engaged as casual labourers.

6. The Supreme Court has held in its orders dated 31.10.1988 and 10.11.1988 in Writ Petition (Civil) No.253 of 1988 - Prakash Chand & Others Vs. Delhi Administration and Others that the Flood and Irrigation Department of the Delhi Administration should frame a scheme for the regularisation of the services of all petitioners and persons similarly situated who had been in service for more than one year. Until such a scheme was prepared and the question of regularisation of the petitioners was considered in the light

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of the scheme and final orders were passed thereon by the respondents, their services shall not be terminated.

The Supreme Court further directed that the petitioners shall be paid with effect from 1.11.1988 the minimum salary payable to a person regularly appointed and doing the same kind of work in the department.

7. Similar orders have been passed <sup>on 15.11.89 and 8.1.1990<sup>a</sup></sup> by the Supreme Court in relation to the casual labourers employed by the Delhi Administration in two <sup>other<sup>a</sup></sup> Writ Petitions (Writ Petition (Civil)) No. 779/89 S.N. Dewidi & Others Vs. Delhi Administration & Others and <sup>Nos.<sup>a</sup></sup> 752 and 830 of 1989 - Muni Ram & Others Vs. Delhi Administration & Others).

8. In the light of the judicial pronouncements mentioned above, these applications and the MPs filed there <sup>under<sup>a</sup></sup> are disposed of with the following orders and directions:-

(i) The respondents are directed to consider regularising the services of the applicants who have put in service of 240 days (including the broken periods) as casual labourers in regular posts commensurate to their qualifications and experience. Till they are so regularised, they shall be continued as casual labourers in the office in which they have been presently continued pursuant to the interim orders passed by the Tribunal. In case all of them cannot be

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accommodated in the same office, they shall be continued  
in the existing or future vacancies <sup>arising in the offices</sup> under the Directorate  
of Education.

(ii) In the facts and circumstances of the case, we  
do not direct payment of back wages to the applicants.

(iii) The interim orders passed in these cases are hereby  
made absolute.

(iv) The respondents are also restrained from making  
fresh recruitment of casual labourers or filling up of <sup>regular</sup> posts in  
in the offices under the Directorate of Education  
Group 'D' category till the applicants have been regularised  
and accommodated in regular posts.

(v) The respondents shall comply with the above directions  
within a period of six months from the date of communication of  
this order.

There will be no order as to costs.

Let a copy of this order be placed in all the eight  
case files.

(B.N. DHOUNDIYAL)  
MEMBER (A)

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

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