

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 2376/90  
T.A. No.

199

DATE OF DECISION 10-10-2011

<u>Shri Lal Bahadur</u>	Petitioner
<u>Shri C.N. Reddy</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India &amp; Ors.</u>	Respondent
<u>Shri P.H. Ramchandani</u>	Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. B.N. Dhaundiyal, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
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 Member Shri B.N. Dhaundiyal)

This OA has been filed by Shri Lal Bahadur, who worked as a Casual Labourer in the Directorate General of All India Radio, New Delhi during the year 1989-90, challenging the termination of his services under oral order<sup>BN</sup> on 08.10.1990.

2. According to the applicant, he was engaged as Casual Labourer in the All India Radio in two spells; the first one from 01.12.1989 to 28.02.1990 and the second one from March 1990 to October 1990. He was working as a Peon in the Computer Centre, P&D Unit, Akashvani Bhawan, New Delhi, and was being paid at the rate of Rs.28.80 per day. As per the temporary pass issued by the respondents, he was to work

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atleast upto 11.12.1990. However, his services were terminated on 08.10.1990. On 20.11.1990, an interim order was passed by this Tribunal to the effect that the respondents shall consider engaging the applicant as Casual Labourer, if vacancies are available, in preference to his juniors and outsiders. The applicant filed an M.P.No.105/91 on 08.01.1991, alleging that in violation of the order of Tribunal, one Shri. Rajiv Kumar had been engaged as Casual Labourer w.e.f. 17.12.1990.

3. The respondents have stated that the applicant was engaged against provision of labour made in the sanctioned Detailed Technical Estimate No.98/89 on muster roll and worked in the E.D.P. Cell of Director General, All India Radio from 01.12.1989 to 30.06.1990 with certain breaks. He was engaged for 24 days in 1989 and 141 days in the year 1990. The applicant did not report for duty after 30.6.90. The visitor passes issued to him cannot be used to prove his engagement. On 12.09.1990, he had a pass issued to him, showed his face, but he did not work though some project work was available on that day. They have also stated that no outsider, junior to the applicant has been engaged and the appointment of Shri Rajiv Kumar on 17.12.1990 was against a vacancy of General Assistant, which required different qualifications and belonged to a different category.

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

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The applicant has not worked for 206 days in two consecutive years so as to claim regularisation of his services in a Group 'D' post in accordance with the relevant instructions issued by the Department of Personnel. The plea that a fresh recruit was engaged as Casual Labourer has not been substantiated by him. In the circumstances, the only relief to which he is entitled to is that, if any vacancy exists, he should be engaged as Casual Labourer in preference to outsiders. We, therefore, dispose of the application with the direction that the respondents shall consider engaging the applicant for employment as Casual Labourer in preference to persons with lesser length of service and outsiders. The interim order passed on 20.11.1990 is hereby made absolute.

5. There will be no order as to costs.

*B.N. Dhoundiyal*  
(B.N. DHOUNDIYAL) 19/11/91  
MEMBER (A)

*delivered to [signature]*  
(P.K. KARTHA)  
VICE CHAIRMAN (J)