

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 JhaApplicant
Vs

Director of Education,
Delhi Administration & Another . Respondents

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

Shri Vimal Kant JhaApplicant

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 JhaApplicant

vs.

Director of Education,
Delhi Administration & Another ..Respondents

CASE NUMBER

(5) MP 2298/91 in

OA 2317/90

(Decided and filed)

(Decided and filed)

Shri Dina Nath Prasad & Others

..Applicants

other educational institutions and universities for dues and fees

Vs.

Director of Education,

Delhi Administration & Another

..Respondents

(6) MP 1918/91 in

OA 2361/90

and other educational institutions **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 Hoshiar 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

and the other members of the panel will be present

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

2. To be referred to the Reporters or not? *Yes*

(121)

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 Sports Complex under 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

worked for more than 240 days and that they ~~or~~ have been registered in the Employment Exchange before

they were engaged as casual labourers.

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 Chandra & 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

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 by the Supreme Court on 15.11.89 and 8.1.1992 in relation to the casual labourers employed by the Delhi Administration in two Writ Petitions (Writ Petition(Civil))

No. 779/89 S.N. Dewidi & Others Vs. Delhi Administration Nos. d & Others and 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 thereunder 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

accommodated in the same office, they shall be continued
in the existing or future vacancies/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 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. DHUNDIYAL)
MEMBER (A)

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

RKS