

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

OA.512/1990DATE OF DECISION: 14.02.1992

Shri K.N. Pandey &amp; Ors.

Applicant

Shri R.I. Sethi

Counsel for the applicant

Versus

Union of India through  
The Chief Controller, Research and  
Development, Ministry of Defence and  
Another

Respondents

Mrs. Raj Km. Chopra

Counsel for the Respondents

## CORAM:

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

The Hon'ble Mr. D.K. Chakravorty, Member(A)

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

The applicants who have worked as Casual Labourers in the office of the respondents are seeking regularisation of their services and grant of equal pay for equal work.

2. The applicants have stated that they were recruited through Employment Exchange as Daily Rated Casual Workers by the respondents on the dates noted against each:

<u>S.No.</u>	<u>Applicant's Name</u>	<u>Date of Appointment</u>
1.	K.N. Pandey	16.9.85
2.	Kali Charan	9.10.85
3.	Nand Kishore	8.11.85
4.	Bhupesh Kumar	12.6.86
5.	Ambar Dutt	15.9.86
6.	Balwant Singh	9.4.87
7.	Biresh Babu	23.3.87
8.	Sudhir Kumar	6.6.88

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3. The respondents have not controverted the above version in their counter affidavit.

4. The applicants filed the present application when they were informally threatened with termination of their services by 31.3.90. On 27.3.90, while admitting the application, the Tribunal passed an interim order directing the respondents to maintain status quo as of that date. The interim order was continued thereafter till 9.7.90. On 9.7.90, the Tribunal directed that as the pleadings were completed, the matter may be listed for final hearing. The case was finally heard on 20.1.92 and orders reserved thereon.

5. The applicants are basing their claim to regularisation on a catena of decisions of the Supreme Court and of this Tribunal \*\* and we have duly considered them. On 29.7.91, the applicants filed MP.2128/91, wherein, they stated that their services were terminated on 31.1.91.

6. The stand of the respondents is that the Aerospace Surveillance Warning & Control Programme(ASWAC) was created by the Ministry of Defence on 25 Jul 85 for a specific purpose of creating the Project Definition Work for the technology demonstrator in Airborne Early Warning Systems. The manpower requirements for the project were to be met out of the sanctioned strength of the DRDO. No new posts were authorised to be created for the programme except 16 MT Drivers. Casual Workers were engaged for the purpose of augmentation of staff of human resources from time to time. All the officers and staff were taken on loan from various Departments of Defence with the

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\*\* Decisions cited by the applicants:-

AIR 1986(SC) 76; Raj Kamal Vs. U.O.I.(1990(2) SLJ 169.

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understanding that they will revert back after completing the assigned tasks of the project. A large number of officers have already moved out since the project is coming to a close in the very near future and the funds allocation is also getting exhausted. Therefore, it was proposed to reduce the casual staff accordingly to reduce the unnecessary expenditure on the project which is working on the faired budget.

Respondents &

7. They have also stated that the programme for which the services of the applicants were engaged is going to be closed in the very near future and that the fund allocation is also getting exhausted. It will not be possible to absorb them permanently due to the lack of permanent vacancies.

8. We have carefully gone through the records of the case and have considered the rival contentions. Admittedly, the applicants have worked for more than two years before their disengagement. They are eligible for regularisation in accordance with the administrative instructions issued by the Department of Personnel and Training. The respondents have not adversely commented upon the work and conduct of the applicant. In Rajkamal's case, 1990(2) SIJ (CAT) 169, referred to above, the Tribunal has held that the Government of India and the various Ministries/Departments thereunder should be treated as one unit in the context of engagement and regularisation of casual labourers, that in case no vacancy exists in one Ministry/Department, they should be adjusted against the vacancies of Group 'D' staff in other Ministries/Departments/Attached/Subordinate offices in accordance with the scheme directed to be prepared as mentioned in para-21 of the said judgement and that the respondents should not induct fresh

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recruits as casual labourers through Employment Exchange or otherwise overlooking the preferential claims of the applicants. In our opinion, the case of the applicants should be dealt with in a similar manner.

9. In the conspectus of the facts and circumstances of the case, the application is disposed of with the following orders and directions:

- (i) The disengagement of the applicants, who have worked for more than two years, is not legally sustainable and the same is set aside and quashed. The respondents are directed to reengage the applicants as casual labourers within a period of three months from the date of receipt of this order. They would also be entitled to back wages from 31.1.91 to the date of reengagement.
- (ii) The respondents shall, as far as possible, accommodate the applicants in the office in which they were working at the time of disengagement. In case, enough vacancies are not available, they shall be accommodated in the Ministry of Defence and its various Departments/Attached/Subordinate offices in Delhi or elsewhere, depending on the availability of vacancies.
- (iii) The respondents shall not induct fresh recruits as casual labourers overlooking the preferential rights of the applicants.
- (iv) The respondents shall consider the question of regularisation of the applicants in accordance with the scheme directed to be prepared in Rajkamal's case.
- (v) There will be no order as to costs.

*(Dechabbar)*  
(D.K. CHAKRAVORTY)  
MEMBER(A)

*(P.K. KARTHA)*  
14/4/92  
VICE CHAIRMAN(J)