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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. DA-573/90

Date of decision: 7.4.1992

Shri Sukhpal Singh Applicant

Versus

Union of India through Respondents
Director, Publications
Division, Miny. of I&B

For the applicant Shri T.C. Aggarwal, Advocate

For the Respondents Shri M.L. Verma, Advocate

CORAM:

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

The Hon'ble Mr. B.N. Dhoundiyal, 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? *No*

JUDGMENT

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

The applicant, who has worked as a casual labourer in the office of the respondents, has prayed that the respondents should be directed not to terminate his services and regularise him as Class IV Peon.

2. On 2.4.1990, when the application was admitted, the Tribunal passed an interim order directing the respondents not to terminate the services of the applicant
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while retaining the juniors or by engaging fresh recruits in the meanwhile.

3. We have carefully gone through the records of the case and have heard the learned counsel for both the parties. The applicant claims that he was appointed as a Peon w.e.f. 1.5.1987. He has, however, not produced any order appointing him as a Peon in the office of the respondents. The version of the respondents is that the applicant was appointed as a casual worker for occasional, casual and intermittent nature of work. According to them, he has worked only for 180 days. This has been denied by the applicant. The respondents have not produced the documentary evidence to substantiate their assertion that the applicant has worked only for 180 days.

4. The respondents have stated that the integrity of the applicant is doubtful because he has filed two internal communications of the Government to which he had no access. The two documents filed by him are photocopies of the details furnished by him to the respondents regarding the period of his service and a circular dated 15.2.1990 regarding the preparation of seniority roster of daily-wage Mazdoors working in the Publications Division. In our opinion, the two documents said to form ~~the~~ part of the internal correspondence, do

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not contain any sensitive material which ought^{not} to have been produced as ~~an~~^{an} exhibits before us.

5. This Tribunal had considered a similar question relating to the engagement of casual labourers in the Ministry of Information & Broadcasting and passed appropriate directions in judgement dated 5.3.1991 in OA-2066/90 (Nand Kishore & Others Vs. Union of India through the Secretary, Ministry of Information & Broadcasting & Another). According to the details of service furnished by the applicant at Annexure-1 to the application, he was engaged as casual labourer on 1.5.1987. He has, therefore, worked for more than two years continuously.

6. The applicant is working in the Publications Division, which is an attached office of the Ministry of Information & Broadcasting. In our opinion, the applicant who has worked for more than two years as casual labourer, deserves to be considered for regularisation of his services, ignoring the artificial breaks in his service. In this respect, we follow the decision of this Tribunal in D.P. Tewari and Others Vs. Union of India & Another, 1990 (3) SLJ (CAT) 94 and Raj Kamal & Others Vs. Union of India 1990 (2) SLJ (CAT) 169. In Raj Kamal's case, the Tribunal had held that for the purpose of regularisation of casual labourers, the Union of India should be treated as a single unit. Following the ratio in Raj Kamal's

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case, the present application is disposed of with the following orders and directions:-

- (i) We direct that the applicant shall be continued to be engaged as casual labourer so long as the respondents need the services of casual labourers and in preference to his juniors and outsiders.
- (ii) In case no vacancies exist in the Publications Division, he should be considered for engagement in other offices in the Ministry of Information & Broadcasting, depending on the availability of vacancies. He should also be considered for regularisation in accordance with the scheme to be prepared, as mentioned in para.2 of the judgement in Raj Kamal's case.
- (iii) The respondents are directed not to induct fresh recruits as casual labourers through Employment Exchange or otherwise, overlooking the preferential claims of the applicant.
- (iv) The interim order passed on 2.4.1990, is hereby made absolute.
- (v) There will be no order as to costs.

B. N. Dhoundiyal
(B.N. Dhoundiyal)
Administrative Member

P. K. Kartha
7/4/92
(P.K. Kartha)
Vice-Chairman(Judl.)

28.

MP 1688/92
OA 573/90

05.06.1992

Present: Shri T.C. Aggarwal, Counsel for the applicant.

Issue notice of the MP to the respondents returnable on 18.09.92. In the meanwhile, the respondents to file their reply to the MP within 6 weeks and the applicant his rejoinder within 2 weeks thereafter.


(I.K. RASGOTRA)
MEMBER (A)


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