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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 738/90

New Delhi this the 12th day of July, 1994.

Shri N.V. Krishnan, Vice Chairman(A).

Smt. Lakshmi Swaminathan, Member(J).

Harish Chander Tiwari,
S/o Shri Trilochan Tiwari,
Delhi Doordarshan Kendra,
Sansad Marg,
New Delhi.

...Applicant.

By Advocate Shri K.N.R. Pillai.

Versus

Union of India through
the Director General,
Doordarshan Mandi House,
Mandi House,
New Delhi.

...Respondent.

By Advocate Shri M.L. Verma.

ORDER (ORAL)

Shri N.V. Krishnan:

This application was filed apprehending termination of the services of the applicant on 30.4.1990, on completion of three month's engagement as casual labourer. It is stated that the applicant, along with others, ~~were~~ ^{was} engaged as casual labourers on 1.2.1990. The practice is to induct casual labourers and keep them engaged only for 90 days. On completion ~~of~~ ninety days, this lot of casual labourers is disengaged and a fresh lot of casual labourers is engaged for a similar period of 90 days and so on.

2. Aggrieved by this practice and apprehending his termination, the applicant has filed this O.A for a direction to the respondents that the applicant may not be replaced by a freshly engaged casual workers and he should be allowed to continue as long as there are requirements of casual workers and, in case discharge becomes inevitable, it should be on the

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principle of 'Last come First go'. There is also a prayer for a direction to give the applicant, pay and allowances as applicable to regular class IV employees.

3. The respondents have filed a reply contesting this claim.

4. We have heard the learned counsel for the parties. Notwithstanding the reply filed, Shri M.L. Verma states that perhaps relief has been given in this case, but no such statement has been filed. Hence, we consider the case on merits.

5. The learned counsel for the applicant states that casual workers similarly placed had filed a number of applications in this Tribunal. A batch of five applications (O.A. 2052/89 Shri Rameshwar and another Vs. Union of India and four other cases) were disposed of by the decision dated 26.4.1991. The learned counsel for the applicant has produced a copy of the same for our perusal. The facts of these cases are identical with this O.A. These applications were disposed of with the following directions:

"In our view, the respondents should frame a suitable scheme for absorption of the casual labourers within a period of four months from the date of receipt of this order. Pending this, the respondents shall allow the applicants to continue to work as casual labourers in their office as long as there is requirement for such workers. In case the disengagement of some casual labourers becomes unavoidable, it should be on the principle of 'last come first go'. Till the applicants have been regularised, the respondents may not resort to fresh recruitment through Employment Exchange or otherwise. Till

they are regularised, the wages to be paid to them should be in accordance with the minimum in the scale of pay of the post held by a regular employee in a Group 'D' post. After regularisation they should be placed on par with regular Group 'D' employees in respect of their service conditions and benefits".

The learned counsel for the applicant also states that, in pursuance of the aforesaid directions, the respondents have prepared a scheme in September, 93. That scheme is not before us.

6. The learned counsel for the applicant submits that the present O.A. can also be disposed of in a like manner. This is not opposed.

7. In the circumstances, we are of the view that this O.A. can be disposed of in the light of the decision rendered in O.A. 2052/89 and batch of cases, taking note of the fact that a scheme has since been prepared.

8. We, therefore, dispose of the O.A. with the following directions:

(i) The case of the applicant shall be considered- if not already done- by the respondents, for granting him such of those benefits to which he is entitled in accordance with the scheme referred to in para 5 supra.

(ii) Further, in case the respondents find it necessary to engage casual workers in their office, the case of the applicant for such engagement shall be considered in preference to those who have not worked as casual workers in the respondent's office and, as between persons who have already

been engaged by the respondents, the case of the applicant shall be considered in terms of his seniority reckoned by the total number of days of casual engagement.

9. O.A. is disposed of accordingly.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER(J)

N.V. Krishnan
(N.V. KRISHNAN)
VICE CHAIRMAN(A)

'SRD'