

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. 1247/91

DECIDED ON : 13-12-1991

Shri Netra Pal Singh

... Applicant

Vs.

Union of India & Anr.

... Respondents

Shri Sant Lal, Counsel for the Applicant

Shri M. L. Verma, Counsel for the Respondents

CORAM : HON'BLE SHRI P. K. KARTHA, VICE CHAIRMAN (J)

HON'BLE SHRI B. N. DHOUNDIYAL, MEMBER (A)

1. Whether the Reporters of local papers may be allowed to see the Judgement. *yes*
2. To be referred to the Reporter or not? *yes*

JUDGEMENT

(By Hon'ble Shri B. N. Dhoundiyal, Member (A) :

This application has been filed by Shri Netra Pal Singh under Section 19 of the Administrative Tribunals Act, 1985, against the termination of his services on 6.5.1991 without any Show Cause notice or a written order.

2. On 29.5.1991, the Tribunal passed an interim order directing the respondents to consider engaging the applicant as casual labourer if any vacancy is available in preference to his juniors and outsiders. This interim order was continued thereafter till the case was finally heard on 16.9.1991.

3. The applicant has stated that he was sponsored by the Employment Exchange and engaged as a Peon on daily wages w.e.f. 10.5.1990 by the Project Monitoring Division under the Ministry of Programme Implementation. He has put in 350 days of service in the Project Monitoring Division and discharged his duties quite efficiently for which he was given a certificate by Shri J. I. Narayan, Deputy Adviser. However,

An

6

his services were abruptly terminated on 6.5.1991 without any show cause notice or written order. Three daily wagers, junior to him, S/Shri Rajinder Singh, Umesh Kumar and Ashok Kumar have been retained in service. He claims that he is entitled to be regularised in Group 'D' cadre in view of the decision of this Tribunal in the case of Raj Kamal & Ors. Vs. Union of India & Ors. (1990 (2) SLJ 169 CAT PB). He submitted a representation on 7.5.1991 to which no reply has been received.

4. The respondents have denied in their counter affidavit that the applicant was ever engaged as a Peon against a regular post. He was engaged as a Casual Labour for a specific period on daily wages through Muster Roll Employment Exchange. He has worked only for 336 days. No casual labourers are being engaged after 4.6.1991 in view of the lack of budgetary provision. He does not also fulfil the conditions for regularisation laid down in DP&T O.M. No. 49014/19/84 Estt.(C) dated 26.10.1984, as he has not put in 206 days service for each of two years continuously.

5. We have gone through the records of the case and have heard the learned counsel for both the parties. In Raj Kamal's case, this Tribunal has observed that since the Department of Personnel and Training is monitoring the implementation of the instructions issued regarding regularisation of casual labourers, the Union of India through that Department, should undertake to prepare a suitable scheme for absorbing casual labourers in various ministries/ departments and subordinate and attached offices other than the Ministry of Railways and Ministry of Communications. Their absorption should be on the basis of the total number of days worked by the persons concerned. Those who have worked for 240 days/206 days (in the case of six days/five

by

days week, respectively), in each of the two years prior to 7.6.1988 will have priority for absorption in the existing or future vacancies. Those who have worked for lesser periods, should also be considered for absorption, but they will be entitled to wages for the period they actually worked as casual labourers. No fresh engagement of casual labourers against regular vacancies shall normally be restored to before absorbing the surplus casual labourers. The fact that some of them may not have been sponsored by the Employment Exchange, should not stand in the way of their absorption. Similarly, they should not be considered ineligible for absorption if at the time of their initial engagement, they were within the prescribed age limit.

6. Though the applicant has not become eligible for regularisation according to the above directions, his services of 356 days cannot be ignored altogether. The application is disposed of with the direction to the respondents to engage the applicant as casual labourer having regard to the length of service put in by him. He should be given preference over those with lesser length of service and fresh recruits. The interim order passed on 29.5.1991 is hereby made absolute.

7. There will be no orders as to costs.

B. N. Dhoundiyal
(B. N. DHOUNDIYAL) 13/12/91
MEMBER (A)

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