

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

(M)

O.A. No. 1445/91

: Date of decision: 24/7/92

Sh. Madan Prasad

: Applicant

D.R. Gupta

: Counsel for the applicant

Versus

U.O.I. & Ors.

: Respondents.

Sh. Jog Singh

: Counsel for the respondents

CORAM

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

Hon'ble Sh. B.N. Dhoundiyal, Member (A)

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

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh. B.N. Dhoundiyal, Member (A)

The applicant Shri Madan Prasad is aggrieved by the office order issued by Ministry of Steel & Mines Department of Mines) on 14.6.91 terminating his services as an adhoc peon without any show cause notice or payment of wages in lieu thereof.

Appointed as a daily rated Chowkidar w.e.f. 21.1.85, the applicant has worked as Adhoc peon that from 23.1.1990. He has alleged/ the authorities have failed to treat him as a temporary Government servant after three years service. Under CCS (Temporary services Rules) his services cannot be terminated without notice or without payment of salary in lieu thereof. They have also failed to follow the principle of 'Last come First go' and while terminating his services, continued to retain his juniors. He has prayed that the order of

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termination dated 14.6.1991 may be quashed and to the respondents may be directed/regularise his appointment against a group 'D' post.

An interim order passed by this Tribunal on 20.6.91 has enabled the applicant to continue in service till now.

The respondents have contended / in the memo. dated 16.1.90, it is clearly mentioned that the appointment is temporary and adhoc and can be terminated without showing any reason. The applicant was appointed as a Chowkidar, on daily rated basis in the office of the Commissioner for Payment. This office was wound~~ed~~ up on 30.6.89. Thereafter his services were utilised ^{by} the the Department of Mines. He was appointed as Adhoc peon on 23.1.1990, No persons appointed as ad hoc peons after the applicant have been retained. The applicant cannot compare his seniority with the Ad hoc peons who were already working in the Department of Mines when he ~~had~~ was adjusted there after winding up of the office of Commissioner for Payment. The applicant was reverted from the post of Ad hoc peon when the regular ~~incumbent~~ was reverted from the post of Ad hoc L.D.C. They have stated that the case of Ad hoc appointment of the applicant will be considered in accordance with the rules as and when vacancy arises in the grade of peon.

We have gone through the record of the case and heard the learned counsel for the parties --- Admittedly, the applicant has worked more than two years before the date of the impugned order of termination. ^{AN}

The question of regularisation of casual labourers in the various Ministries/Deptts. of Central Govt. has been considered by the Tribunal in two recent judgements in OA 1699/88, Shri Durga Prasad Tewari & Ors. and OA 2306/89, Shri Raj Kamal & Ors. Vs. U.O.I. In Raj Kamal's case which has been reported in SLJ 1990(2) CAT 169 at 175, the Tribunal has expressed the opinion that in order to solve the problem of the casual labourers engaged in the Central Govt. offices in a fair and just manner, the proper course for the Govt. would be to prepare a scheme, somewhat like the one in operation for deployment of surplus staff. Further it was observed that the scheme should apply to all the departments of Government of India. Besides, the Government of India, except the Ministry of Railways, should be treated as a single unit in the context of engagement and regularisation of casual labourers. In this case the services of the applicant were terminated without any notice while three of his juniors were retained. We therefore issue following directions :-

(a) The impugned order dated 14.6.91 terminating the services of the applicant is hereby quashed and set aside.

(b) The respondents shall regularise the services of the applicant on the basis of his seniority as per date of appointment treating the Ministry as a single unit.

(c) Under the circumstances of the case, we do not order payment of back wages. Till such

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regularisation, he shall be paid minimum pay in the pay scale of regularly employed workmen and shall be entitled to usual benefits and privileges.

(d) The respondents shall comply with the above directions preferably within three months from the date of receipt of this order.

There will be no order as to costs.

B.N.Dhondiyal 29/7/92

(B.N. Dhondiyal)

Member (A)

P.K.Kartha 24/7/92

(P.K. Kartha)

Vice Chairman (J)