

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 1724/1991 Date of decision: 20.04.1992.

Shri Harish Chand Bhatt ....Applicant

Vs.

Union of India and Others ....Respondents

For the Applicant ....Shri S.S.

Tiwari, Counsel

For the Respondents ....Shri P.P.

Khurana, Counsel

CORAM:

THE HON'BLE MR.P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR.I.K. RASGOTRA, 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(ORAL.)

(of the Bench delivered by Hon'ble Shri P.K.

Kartha, Vice Chairman(J))

We have heard the learned counsel of both the parties. The facts of the case in brief are that the applicant has worked for a period of 699 days continuously in the office of the Assistant Divisional Engineer, Telegraph Microwave Maintenance, New Delhi, from 20.07.1985 to 28.07.1987. His services were, however, dispensed with in view of a policy decision taken by the respondents not to continue the engagement of casual labourer who had been engaged after 31.03.1985.

2. The applicant has pointed out that on 22.12.1990, the respondents issued a Circular, according to which, applications were invited from the Daily Rated Mazdoors working in the Department prior to March, 1985 or those reinstated as per the decision of this Tribunal dated 04.05.1988 in case No.529/88, who possessed the requisite qualification. The grievance of the applicant is that after terminating his services on 28.07.1987, the respondents considered the applications of some mazdoors pursuant to the directions given by this Tribunal and reinstated them. He alleges discrimination and violation of Articles 14 and 16 of the Constitution. *Q*

3. The respondents have stated in their counter-affidavit that the termination of the services of the applicant's was in accordance with the instructions contained in the letter dated 2.6.1987, according to which, Daily Rated Mazdoors recruited after 31.03.1985 are to be retrenched.

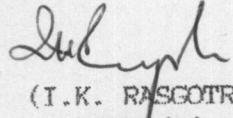
4. The Supreme Court has held in its Judgment in the case of Daily Rated Casual Labour employed under the P&T Department Vs. U.O.I. & others, AIR 1987 SC 2342, that the authorities should prepare a scheme on a rational basis for absorbing as far as possible, the casual labourers who have been continuously working for more than one year in the Post and Telegraph Department. Accordingly, a scheme known as Casual Labourers (Grant of Temporary Status for Regularisation) has been formulated and put into operation from 1.10.1989. The scheme covers all casual labourers who had been engaged by the respondents irrespective of whether they were appointed prior to 31.03.1985 or after the said date. In Sunder Lal & Others Vs. U.O.I. & Others (OA No.529/88 decided on 4.5.1988), this Tribunal has held that the administrative decision to retrench all those who were employed after 1.4.1985 was not legally sustainable. The Tribunal quashed the impugned order of termination and directed the respondents to reinstate the applicants and consider them for absorption in accordance with the scheme which was under preparation.

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5. In our opinion, the applicant before us is also entitled to the same treatment. Accordingly, the application is disposed of with the direction to the respondents to reinstate the applicant in service, as expeditiously as possible, but preferably within a period of 3 months from the date of receipt of this order. After reinstating him, the respondents shall consider regularising his service in accordance with the scheme prepared by them. In the facts and circumstances of the case, we do not direct payment of back wages to the applicant.

6. The interim order passed on 2.8.1991 is hereby made absolute.

7. There will be no order as to costs.

  
(I.K. RASGOTRA)  
MEMBER(A)  
20.04.1992

  
(P.K. KARTHA)  
VICE CHAIRMAN (J)  
20.04.1992

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