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Shri Arvind KumarApplicant

Union of India and Others Respondents

For the Respondents

.....Shri P.P.

Khurana, Counsel

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

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

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JUDGMENT(ORAL)

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

We have heard the learned counsel of both the parties. The grievance of the applicant relates to his disengagement from service as a casual labourer w.e.f. 30.03.1991. According to him, he has worked as a casual labourer from 9.5.1989 to 3.3.1991. He claims that he fulfils the criteria prescribed under the administrative instructions issued by the Government for regularisation. According to this criteria, a person should have worked for 206 days continuously in each year for two successive years (in an office observing 5 days week).

2. The respondents have stated in their counter-affidavit that the services of the applicant, who had worked as Water Carrier, were utilised as and when required by them. They have denied the contention that he had been working as a casual labourer continuously.

3. The applicant has annexed to the application copies of some orders issued by the respondents from which it would appear that the applicant has worked for the period claimed by him though this was with technical breaks in between.

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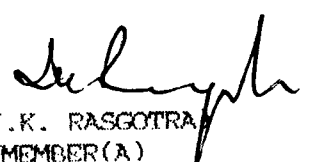
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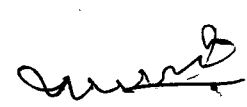
In our opinion, the case of the applicant deserves consideration in the light of the administrative instructions issued by the Department of Personnel in regard to the regularisation of casual labourers.

4. In the light of the foregoing discussion, we dispose of the present application with the direction to the respondents to consider reengaging the applicant as casual labourer if any vacancy exists in the office of the respondents and in preference to persons with lesser length of service and outsiders. The respondents should also consider the question of his regularisation in accordance with the administrative instructions issued by the Government, if he fulfils the conditions laid down therein and if he is otherwise found suitable in all respects for regularisation.

5. The interim order passed on 16.08.91 is hereby made absolute.

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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