

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA-16/91

Date of decision:04.05.1992

Shri Mandeep Kapoor

.... Applicant

Versus

Union of India through
Secy., Miny. of I & B

.... Respondents

For the Applicant

.... Shri R.L. Sethi, Advocate

For the Respondents

.... None

CORAM:

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

The Hon'ble Mr. B.N. Dhoundiyal, 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

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

The grievance of the applicant relates to the termination of his services as a casual labourer in the office of the respondents. He has prayed for his reinstatement with all consequential benefits.

2. The applicant has worked as a casual labourer in the office of the respondents from 9.5.1988 to 28.2.1990. The period of service rendered by him is not continuous.

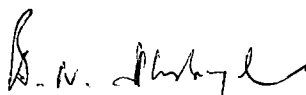
There had been breaks in between, as is clear from the details given in para.4.2 of the application. The applicant has alleged that the respondents have resorted to the practice of terminating the services of the existing staff before completion of 180 continuous days and recruiting fresh staff through the Employment Exchange. The applicant ~~himself~~^α had been appointed after he had been duly sponsored by the local Employment Exchange. His services were terminated by an oral order dated 28.2.1990.


3. Despite service of notice on the respondents and numerous opportunities given to them to file counter-affidavit, they have not chosen to appear in the Tribunal or file the counter-affidavit. When the case was taken up for final hearing on 2.12.1991, the learned counsel for the applicants appeared and none appeared for the respondents.

4. We have gone through the records of the case carefully and have heard the learned counsel for the applicant. The practice adopted by the respondents of terminating one set of casual labourers and appointing another set in their place, is violative of Articles 14 and 16 of the Constitution. In the instant case, the applicant has worked from 9.5.1988 to 28.2.1990. In view of this, we dispose of the present application

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with a direction to the respondents to consider re-engaging the applicant as a casual labourer in their office, in case they need the services of a casual labourer and in preference to persons with lesser length of service and outsiders. In computing the length of service, the break in service in respect of the applicant, should be ignored and the total period of his service from 9.5.88 to 28.2.1990 be reckoned. The applicant should also be considered for regularisation in a Group 'D' post in case he fulfils the eligibility criteria for the same in accordance with the administrative instructions issued by the Department of Personnel and Training. The application is disposed of on the above lines. There will be no order as to costs.


(B.N. Dhoundiyal)
Administrative Member


4/5/92
(P.K. Kartha)
Vice-Chairman(Judl.)