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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.2101/91

Date of Decision:11.12.1992

Shri Virender Kumar

Applicant

Versus

Union of India through
Secretary, Ministry of

Information and Broadcasting

Respondents

Shri A.K. Bhardwaj
Mrs. Raj Kumari Chopra

Counsel for the applicant
Counsel for the respondents

CORAM:

The Hon'ble Mr. P.K. KARTHA, Vice Chairman(J)
The Hon'ble Mr. 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 Reporter, or not? *Yes*

JUDGEMENT

(of the Bench delivered by
Hon'ble Member Shri B.N. DHOUNDIYAL)

This application has been filed by Shri Virender Kumar under Section 19 of the Administrative Tribunal's Act, 1985, against the order dated 2.1.91, issued by the Director General, Directorate of Advertising and Visual Publicity, terminating his services w.e.f. 14.1.91.

2. According to the applicant, he was employed as a Chowkidar at Dr. Rajender Prasad Exhibition, Mavlankar Hall, in the Directorate of Advertising & Visual Publicity on 18.11.1984. He worked at various places under the control of the respondent No.3, Deputy Director (Admn.) till 19.4.90 i.e. for a continuous period of 5 years and 5 months. He was appointed on adhoc basis on 20.4.90 and was posted at Regional Visual Publicity Office, Ambala, where *bw*

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he worked till the termination of the services on 14.1.91. He was reengaged on 15.1.91 on daily wages basis, but his services were terminated w.e.f. 23.8.91 under verbal orders of Deputy Director (Admn.). The applicant has prayed that the impugned order dated 2.1.91, be set aside and quashed as also the verbal order terminating his services w.e.f. 23.8.91 and the respondents be directed to appoint him on regular group 'D' post with back wages in the scale of pay of Rs.750-12-970.

3. The respondents have stated that they have prepared a scheme for absorption of casual labourers in pursuance of decisions of this Tribunal in respect of Shri Rameshwar and others Vs. Union of India through DG, Doordarshan. The main features of the scheme approved by the Department of Personnel and Training are as follows:-

- (i) "A panel of casual workers may be kept in the office and casual workers may be given work in accordance with their seniority as and when the same is available instead of calling names from Employment Exchange on each occasion.
- (ii) On availability of vacancies in Group 'D', casual workers may be considered for regularisation in accordance with the instructions on the subject. If any casual worker on the panel does not report for work, his name be removed from the panel.
- (iii) Till the casual workers are available in the panel, nobody from outside should be engaged as casual worker and the payment to casual workers may be made only for the days they actually work.
- (iv) As regards preparation of a scheme for absorption of casual employees, the existing instructions of the An

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Department of Personnel and Training are adequate. However, that Department is trying to work out a common scheme since individual Departments cannot prepare schemes in complete disregard to casual employees in other Central Government offices."

4. They have also avered that they are strictly following the principle of 'last come first go' and that daily wagers are being regularised strictly in accordance with the seniority. The applicant cannot be regularised until and unless the daily wagers engaged prior to him have been regularised.

5. We have gone through the records of the case and heard the learned counsel for both parties. A case of similar nature have been considered by a Bench of this Tribunal, of which, one of us (Shri P.K. Kartha) was a party in OA^{836/91} and 427/91 and 1535/91, decided on 6.3.92 in the case of Shri Ombir Singh and others Vs. Union of India and others.

6. Following the ratio of the above judgement and the earlier decision in D.P. Tewari and others Vs. Union of India and others; 1990(3) SLJ (CAT) 94, in which, it was held that, for the purpose of regularisation of casual labourers, the Union of India should be treated as a single Unit, the application is disposed of with the following orders and directions:-

(i) We direct that, Shri Virender Kumar, whose services have been terminated, shall be reengaged as casual labourer in the regular vacancies in the posts of Group 'D' arising in the Ministry of Information and Broadcasting, including its offices in Delhi and ^{other} ~~other~~ ^h consider his regularisation in such vacancies.

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(ii) In case, no vacancies exist in the Ministry of I&B and its offices in Delhi, the applicant should be considered for adjustment against the vacancies of Group 'D' staff in other Ministries/Departments/Attached /Subordinate offices, for appointment.

(iii) The respondents are directed not to induct fresh recruits as casual labourers through Employment Exchange or otherwise, overlooking the preferential claims of the applicant.

(iv) The emoluments to be given to the applicant till his regularisation, should be strictly, in accordance with the orders and instructions issued by the Department of Personnel and Training. After his regularisation, he shall be paid the same pay and allowances as admissible to regular employees belonging to Group 'D' category.

(v) There will be no order as to costs.

B.N.Dhundiyal
(B.N. DHOUDIYAL) 11/12/92
MEMBER(A)

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Ans
11/12/92
(P.K. KARTHA)
VICE CHAIRMAN(J)