

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A. No. 2144/1991

New Delhi, dated the 4th May, 1995

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

Hon'ble Shri K. Muthukumar, Member (A)

1. The Association of the Casual Trademen/
Mazdoor, Military Engineering Service,
Port Blair, Through its Secretary-K.Sudarshan.
2. Shri K.Sudarshan S/o P.Kamaram,
c/o Asstt. Garrison Engineer (Maintenance Cell),
864, Engineer Works Section, Port Blair Andaman
Nicobar Iceland.
3. Sh. S.S. Mazumdar, Wireman
4. Shri P. Gopal, Wireman
5. Shri Kameshwar Rao, Casual Labour
6. Shri Y. Jacob Switch Board Attendant.
7. Sh. Shree Lal, S.B.A.
8. Sh. Venkitesa Raman, S.B.A.
9. Sh. Timma Reddy, S.B.A.
10. Sh. Rafique M.S.B.A.
11. Sh. B. Anil Kumar, MPA
12. Sh. M.K. Rajan, Driver Engine Statics
13. Sh. K.G. Phillips, DES
14. Sh. Dalip Kumar, DES
15. Sh. D.A. John, Wireman
16. Sh. Chhotu Singh, DES
17. Sh. Gopi Achari, DES
18. Sh. T.K. Mehboob Ali, Wireman
19. Sh. M.O. Mathew, Wireman
20. Sh. Sahaji M. George, Wireman
21. Sh. R. Ravi, Wireman
22. Sh. Pandi Rajan, Wireman
23. Sh. Mohan Kumar, Wireman

..... Applicants

(By Advocate Sh. D.K. Garg)

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1. The Union of India
Represented by the Secretary,
Ministry of Defence, New Delhi.
2. The Engineer-in- Chief,
Engineer-in-Chief Branch
Army Headquarters, DHQ, P.O. , N/Delhi
3. The Chief Engineer (Projects),
P.S. Aberdeen, Andaman District,
Port Blair, Andamans.

.... Respondents

(By Advocate Shri V.S. R. Krishna)

O R D E R (ORAL)

[Hon'ble Shri A.V. Haridasan, Vice Chairman (J)]

Applicant No.1 is the Association of Casual Trademen/ Mazdoor, Port Blair, through its Secretary and Applicant No.2 is one of the Casual Trademen. The grievance of the Association is that though its members have been working under the respondents as Casual Trademen since 1982 onwards, they are still made to work as Casual Trademen without being regularly absorbed in service, though there existed sufficient number of vacancies to absorb them all. Earlier ^{when} ~~the~~ respondents used to create break in their services after 89 days or even before 89 days, they filed Writ Petitions before the Supreme Court. Pursuant to the interim order passed in Writ Petition No. 670/1986, the respondents have continued the services of the applicants as Casual Trademen without regularising them in service. In reply statement filed in Writ Petition No. 704/1987, the

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respondents had made the following commitments:-

" It is submitted that the vacancies against the above petitioners' posts in the earlier writ petition have been kept reserved pending finalisation of this Hon'ble Court's order ; therefore, it is submitted that the above petitioners are virtually stopping the replying respondent to make any recruitment for ever."

Writ Peition No. 674/1987 was disposed of on 9.3.1988 with a direction to the respondents to make temporary arrangement to fill up the vacancies in the exigencies of service. In case the petitioners succeed, the reserved vacancies should be made available to them. Four Writ Petitions filed by the applicant before the Supreme Court were withdrawn and thereafter the Association filed this application seeking a direction to the respondents to absorb them in service and to give them the benefit of scale of pay and other attendant benefits. It is alleged in the application that the action of the respondents is not considering the Casual Trademen for absorption on regular post even though vacancies exist amounts to unfair labour practice.

2. The respondents in their reply have admitted that casual Tradesmen are working for the period as mentioned in the O.A.. They contend that on account of ban on recruitment, steps towards their regularisation could not be completed. They have

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further stated that the applicants would be considered for regularisation as and when vacancies arise in their turn and if they are not other-wise unsuitable.

3. The applicants have filed an additional affidavit in which they have stated that, out of 58 members except 22 remaining have been absorbed as regular employees and that the subsisting grievance ~~are~~ is only regarding non absorption of the remaining 22 Trademen.

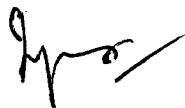
4. In view of the submission made in the additional affidavit and in view of the statement of the respondents that the applicants would be considered for regularisation in their turn on vacancies becoming available, we find that the controversy in this case has been narrowed down considerably. That the applicants have been working though on Casual basis against regular posts ~~are~~ is born out from the pleadings in this case, because the respondents themselves had filed a statement before the Supreme Court that the vacancies in the posts are to be finally filled subject to the outcome of the Writ Petition. Barring 22 Casual Trademen others have already been absorbed in regular service during the pendency of this application. As the respondents have stated that they would be considering the remaining 22 also for regularisation, we are of

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the view that this application can now be disposed of with an appropriate direction in regard the regularisation of these casual Tradesmen.

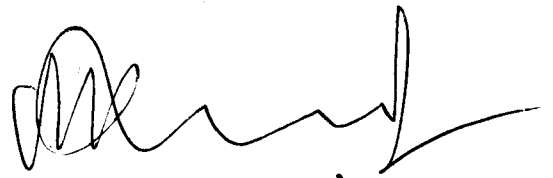
5. In the result, this application is disposed of with a direction to the respondents to consider the case of regularisation of the remaining 22 members of the Association of Applicant No.1 in the same manner in which the other casual Tradesmen were regularised in their turn towards existing vacancies or in vacancies that may be arise in future. Till date the Casual Tradesmen are regularised, no further recruitment shall be made to the posts of Tradesmen of this category.

6. Application is disposed of as above. No order as to costs.



(K.Muthukumar)

Member (A)



(A. V. Haridasan)

Vice Chairman (J)

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