

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(1)

Regn. No. DA-2520/91

Date of decision: 16.2.1993.

Shri Raj Prakash

.... Applicant

Versus

Union of India & Anr.

.... Respondents

For the Applicant

.... Shri B.K. Aggarwal, Advocate

For the Respondents

.... None.

CORAM:-

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

HON'BLE SHRI B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

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

JUDGEMENT

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

Vice Chairman(J)

We have gone through the records of the case and have heard the learned counsel for the applicant. The respondents did not file counter-affidavit despite several opportunities given to them. By order dated 14.1.1993, the respondents forfeited their right to file counter-affidavit and the case was listed for further directions/final disposal on the basis of the available records on 4.2.1993. When the case was taken up for hearing on 4.2.1993, none appeared on behalf of the respondents.

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2. The case of the applicant in brief is that he was engaged as a casual labourer (temporary Mazdoor) and worked for 422 days as borne out from the certificate annexed to the application at Annexure 'A', page 9 of the paper-book. He worked from June, 1986 to December, 1987 and thereafter, was disengaged by verbal orders from 1.1.1988. The applicant has stated that persons junior to him have been retained in the office of the respondents at Bulandshahr and other places like Ghaziabad, falling under the jurisdiction of the respondents.

3. In a batch of similar cases relating to the Posts & Telegraphs Department, this Tribunal has held in judgement dated 18.5.1990 that casual labourers, who have worked for more than 240 days in a year, are entitled to the benefit of the scheme known as 'Casual Labourers (Grant of Temporary status for Regularisation) Scheme' which has been formulated and put into operation from 1.10.1989 pursuant to the decision of the Supreme Court in the case of Daily-rated Casual Labour employed under P & T Department through Bhartiya Dak-Tar Mazdoor Manch Vs. Union of India & Others, A.I.R. 1987 SC 2342 (DA-1833/87 and connected matters - Shri Hari Shankar Swamy Vs. Union of India & Others, 1992 (20) A.T.C. 617).

4. Following the ratio in the judgement of the Tribunal of Hari Shankar ^{Swamy} and Others, we dispose of the present application with a direction to the respondents to reinstate the applicant

(a)

in service as casual labourer (temporary mazdoor) wherever a vacancy exists. After reinstating him, the respondents shall consider regularising his service in accordance with the scheme prepared by them. Till this is done, he shall be paid the minimum pay in the pay-scale of regularly employed mazdoors. He would also be entitled to all the benefits and privileges envisaged in the scheme prepared by them, mentioned above. In the facts and circumstances of the case, we do not direct payment of any back wages to the applicant. There will be no order as to costs.

B. N. D. - l
(B.N. Dhomdiyal) 16/2/93
Administrative Member

~~16/2/93~~
(P.K. Kartha)
Vice-Chairman(Judl.)