

Central Administrative Tribunal
Principal Bench: New Delhi

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OA No.2707/91

New Delhi this the 20th day of Nov. 1995.

Hon'ble Shri N.V.Krishnan, Acting Chairman
Hon'ble Shri D.C.Verma, Member (J)

Chottey Lal
R/o Village & P.O. Khandora
District Ghaziabad (UP)

...Applicant.

(None appeared)

Versus

1. Delhi Administration through
Chief Secretary
5, Sham Nath Marg
Delhi.

2. The Director
Bureau for Promotion of Urdu
R.K.Puram, New Delhi.

...Respondents.

(By Advocate: Shri P.H.Ramchandani)

O R D E R (Oral)

Hon'ble Shri N.V.Krishnan, Acting Chairman

None appeared for the applicant though called twice. We have heard Shri P.H.Ramchandani for the respondents.

The applicant was engaged as a Casual Labour (Safai Karmachari) on daily rate basis under the respondent No.2 on 26.11.1987. He had continuously worked upto 26.7.89. When he reported for duty on 27.7.89, he states that he was refused to work without assigning any reason. Hence he made a representation to the Regional Labour Office who directed him to move this Tribunal. Hence this OA has been filed.

2. The reliefs sought are ^{in a} direction to quash the termination and reinstate him with continuity of service and consequential benefits and to regularise him.

3. The respondents have filed their reply stating that the termination was necessitated because there was no work available. There was also a ban order regarding engagement of casual labour and hence this resulted in the termination.

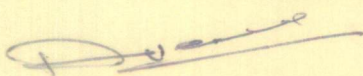
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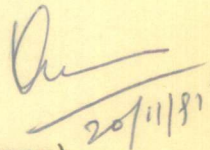
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4. When the matter came up for final hearing today, learned counsel of the respondents submitted that as can be seen from Swamy's Complete Manual on Establishment & Administration, 4th Edition 1993, instructions have been issued regarding appointment of casual labour to Group-D posts. It is stated that the first pre-requisite is that a casual labour should have been engaged for a period of 2 years i.e. 240 days or 206 days where five days week is observed. Only such a casual labour would be entitled to be considered for regularisation.

5. No doubt the respondents have a case that as there was no more work available, they had to disengage the applicant. The question is whether even in this circumstance, the applicant is entitled to any consideration. We notice that no order of an interim nature was passed when the OA came up for consideration, like considering him also if persons are to be engaged. The applicant had rendered nearly 2 years of continuous service. While we cannot fault the respondents in terminating his employment in the above circumstances, considering the fact that there has been a liberalisation of treatment of casual labours like granting them temporary status, we feel that it is only fair to give a direction to the respondents that in case they now need the services of any casual labour, they should consider the case of the applicant on the ground that he has to his credit nearly 2 years of engagement. We also direct that the period of service rendered, ^{ie and} ~~or~~ the period during which this OA has been pending before the Tribunal should not be taken into account in computing the upper age limit for engagement of the applicant.

6. With the above directions, the OA is disposed of.


(D.C.Verma)
Member (J)


(N.V.Krishnan)
Acting Chairman