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In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. Nos.:

Date: 21.4.1992.

1. OA-2889/91, and
2. OA-2894/91 ✓

1. Shri Virender Kumar, and) Applicants
2. Shri Dal Chand.)

Versus

Union of India through
Secretary, Miny. of Health
& Family Welfare & Anr.

.... Respondents

For the Applicants

.... Shri Jog Singh, Advocate

For the Respondents

.... Shri K.C. Mittal, Advocate

CORAM: Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Mr. I.K. Rasgotra, Administrative Member.
(Oral Judgement delivered by Hon'ble Mr. P.K. Kartha)
1. Whether Reporters of local papers may be allowed to
see the judgement? *Yes*
2. To be referred to the Reporters or not? *No*

The applicants, who have worked in the Homoeopathic
Pharmacopoeia Laboratory at Ghaziabad under the Ministry
of Health & Family Welfare, filed these applications
praying for their regularisation against Group 'D' posts
in the same department or in any other department under
the Ministry of Health & F.W., or any other Ministry
under the Union of India.

2. The records of these cases indicate that both the
applicants have worked on daily-wage basis for 206 days
in each of the two consecutive years. In fact, Shri Dal
Chand, who is the applicant in OA-2894/91, has worked for
a longer period. *al*

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3. The respondents have stated that the applicants have been continued in service pursuant to the interim order passed by the Tribunal on 13.12.1991. According to them, the work for which the applicants were initially engaged is over, and that they have no work for them. As against this, the learned counsel for the applicants has contended that there is enough work to accommodate the applicants in the Ministry of Health & F.W., if not in the Laboratory where the applicants were initially engaged.

4. We have considered the matter. The engagement of casual labourers and their regularisation in Central Government offices is governed by the office memoranda issued by the Department of Personnel & Training (vide O.M. dated 7.5.1985 as amended from time to time). According to this office memoranda, the services of casual labourers may be regularised in Group 'D' posts in various ministries/departments, etc., subject to certain conditions in terms of the general instructions issued by the Department of Personnel. One of these conditions is that the casual workers concerned should have been recruited through the Employment Exchange. This condition has been fulfilled in the instant case by both the applicants. The applicants have also worked

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for the requisite period prescribed under the office memoranda for the purpose of regularisation in Group 'D' posts (non-scientific).

5. In view of the above, the applications are disposed of with the directions to the respondents to continue the applicants as casual labourers in the Laboratory in which they have worked and in case there is not enough work in the Laboratory, in the Ministry of Health & F.W. and its various attached/subordinate offices located in Delhi or elsewhere. The applicants should also be considered for regularisation in accordance with the office memoranda issued by the Department of Personnel & Training. The interim orders passed on 13.12.1991, are hereby made absolute.

6. The respondents shall comply with the above directions as expeditiously as possible but preferably, within six months from the date of communication of this order. The applications are disposed of accordingly.

There will be no order as to costs.

Let a copy of this order be placed in both the case files.

(I.K. Rasgotra)
Administrative Member

(P.K. Kartha)
Vice-Chairman(Judl.)

CERTIFIED TO BE TRUE COPY

Date: 27/11/91

Officer (I)
Central Administrative Services
Ministry of Health & Family Welfare
Government of India