

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

(1/1)

Regn.No. OA-339/91

Date of decision: 12.3.1992

Shri Kundan Lal ..... Applicant

Versus

Union of India through  
Secy., Ministry of  
Communications & Ors. .... Respondents

For the Applicant ..... Smt. Rani Chhabra, Advocate

For the Respondents ..... Smt. Raj Kumari Chopra,  
Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. D.K.Chakravorty, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *M*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,  
Vice Chairman(J))

The applicant, who has worked as a casual labourer in the office of the respondents, is aggrieved by the disengagement of his services even though he has worked for 335 days from October, 1989 to January, 1991. During this period, he has been put on duty as a Driver. He claims that having worked for a period of over one year, he is entitled to be regularised in service in a suitable post. His grievance is that he has been replaced by another Driver w.e.f. 10.1.1991. The


applicant has also called in question the policy decision taken by the respondents not to engage fresh casual labourers after 30.3.1985, or to regularise them.

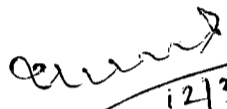
2. The case of the respondents is that the work for which the applicant had been engaged, is over. The respondents have directed the applicant to hand over the vehicle to a regular Driver. In the end of the year 1990, four vehicles have been declared condemned/disposed of and with this, there is no work in which the applicant could be accommodated. According to them, all casual labourers engaged after 30.3.1985, are to be discontinued in view of the policy decision taken by the Government.

3. We have carefully gone through the records of the case and have considered the rival contentions. In our opinion, there is no rationale in the cut-off date of 30.3.1985 fixed by the respondents for non-engagement of casual labourers. At the same time, the casual labourers can claim continuance as such or regularisation only if there is work in the office of the respondents. The respondents have prepared a scheme pursuant to the directions given by the Supreme Court in *Bhartiya Dak-Tar Mazdoor Manch Vs. Union of India and Others*, A.I.R. 1987 S.C. 2342. In our opinion, the continuance of casual labourers and their regularisation should be governed by the said scheme.

*R*

4. In the light of the above, the application is disposed of with a direction to the respondents to consider engaging the applicant as a casual labourer if vacancy exists in any of their offices and in preference to persons with lesser length of service and fresh recruits. His case for regularisation should also be considered in accordance with the scheme prepared by the respondents, mentioned above. There will be no order as to costs.

  
(D.K. Chakravorty)  
Administrative Member

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