

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 631/91
T.A. No.

199

DATE OF DECISION 22.4.1992

Shri Raj Kumar & Others

~~Petitioner~~ Applicants

Shri R.P. Gupta

Advocate for the ~~Petitioner(s)~~ Applicants

Versus

Union of India through the
Director, N.B.O. & Another

Respondent

Shri M.L. Verma

Advocate for the Respondent(s)

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

The Hon'ble Mr. A.B. Gorthi, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

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

The applicants have worked as Chowkidars in the National Buildings Organisation (N.B.O.) under the Ministry of Urban Development. According to them, they were initially engaged during the period 1975-1983 and have continued thereafter as such though with technical breaks. They have, in proof of their engagement, annexed photostat copies of the identity cards issued to them by the Director, N.B.O. Their engagement has also not been disputed by the respondents.

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2. According to the respondents, the premises of the Demonstration Plant of the N.B.O. at Mehrauli where the applicants were working, have been handed over to a Building Centre where their services are not required. In view of this, the N.B.O. is making efforts to get them fixed up in similar outfits of similar jobs on a humanitarian ground.

3. The applicants have alleged that the respondents have not only retained three persons junior to them in service, but also regularised them as Peons in the N.B.O. Office at Nirman Bhavan. With regard to this contention, the respondents have stated that the three casual workers who have been regularised, fulfilled the eligibility criteria for regularisation as laid down in the O.M. dated 21.3.1979 issued by the Department of Personnel. The applicants did not fulfil the conditions stipulated in the said O.M. and as such, they could not be regularised.

4. We have carefully gone through the records of the case and have considered the rival contentions. On 22.2.1991, the Tribunal passed an interim order directing that the respondents should consider continuing the engagement of the applicants as casual labourers on daily-wage basis if vacancies are available and in preference to their juniors and outsiders. This interim order has been continued thereafter.

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5. The engagement and termination of casual labourers in Central Government offices is regulated by the Office Memoranda issued by the Department of Personnel & Training from time to time. The respondents have not controverted the fact that the applicants have worked for several years as casual labourers. They have not also indicated in what respects the applicants do not fulfil the eligibility criteria under the instructions issued by the Department of Personnel & Training. They have also not stated that the performance and conduct of the applicants were not up to the mark. In fact, they themselves have undertaken to get them fixed up on similar jobs elsewhere after the premises of the Demonstration Plant had been handed over to a Building Centre.

6. In our opinion, the respondents shall continue to engage the applicants as casual labourers in any vacancy available in the N.B.O. and its offices located in Delhi or elsewhere. In case, there are no such vacancies available, they shall be continued to be engaged in any of the vacancies available in the Ministry of Urban Development, which is the Ministry concerned with N.B.O. The case of the applicants should also be considered for regularisation by giving them age relaxation to the extent of service already rendered by them in the N.B.O. In other

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words, if, at the time of their initial engagement as casual labourers, the applicants were within the age-limit, the necessary age relaxation should be given to them for the purpose of regularisation in a Group 'D' post. The respondents should also consider relaxing the other eligibility criteria, having regard to the practical experience gained by the applicants during their service as casual labourers in their office. The application is disposed of on the above lines. The interim order passed on 22.2.1991 and continued thereafter, is hereby made absolute. There will be no order as to costs.

A.B. Gorthi 22/4/92
(A.B. Gorthi)
Administrative Member

P.K. Kartha
22/4/92
(P.K. Kartha)
Vice-Chairman(Judl.)