

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 490/91

Date of decision: 10.02.1992.

Shri Raju Sharma

...Applicant

Vs.

Min. of Defence & Others

...Respondents

For the Applicant

...Shri A.K. Sikri,
Counsel

For the Respondents

...Shri P.H. Ramchandani,
Sr. Counsel

CORAM:

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

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

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

JUDGMENT

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

The applicant who has worked as a casual labourer in the office of the respondents under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:-

- "(i) to direct the respondents to regularise the services of the applicant with all the benefits of seniority and fitment etc;
- (ii) give directions to the respondents not to terminate the services of the applicant till his regularisation by preparing a scheme or otherwise;

(X)

(iii) to direct the respondents to continue with the arrangement of payment of salary in the pay scale which comes to Rs.1215/- per month and not change the mode of payment to daily-wage basis".

2. We have gone through the records of the case and have heard the learned counsel of both parties. The applicant has stated that he was appointed as a casual labourer with effect from 15.3.1989, that he was medically examined and found fit for service, that his police verification was conducted, that he was duly selected for the post of labourer and that he has been given proper scale of Rs.750-940. On 25.9.1990, the respondents issued an order to the effect that the present sanction of the applicant was expiring on 28th September, 1990 and the next employment will be given on receipt of Naval Headquarters sanction strictly on nerrick rates. He claims that he is entitled to regularisation of his services. His apprehension is that the respondents would terminate his services.

3. According to the respondents, the applicant was engaged as casual labourer for a specific period and for specific casual nature of job and that his services stood automatically terminated on the expiry of the specific period for which he was engaged. They have

(A)

denied the contention of the applicant that he has put in 1 year and 9 months of uninterrupted continuous service without break. They have also stated that engagement on merrick rate/daily wages basis which was done vide notice dated 25.9.1990 has been cancelled subsequently.

4. On 25.2.1991, the Tribunal passed an interim order directing the respondents to continue the applicant as casual labourer if vacancies are available in preference to his juniors and outsiders. The said order was continued thereafter till the case was finally heard on 22.10.1991.

5. The applicant has relied upon numerous decisions and we have duly considered them*. Following the trend of recent judicial pronouncements of the Supreme Court, this Tribunal has held that for the purpose of engagement and regularisation of casual labourers, the Union of India should be treated as a single unit and that those who have put in longer period of service as casual labourers deserve to be continued in service in preference to those with lesser length of service or outsiders (Vide Durgaprasad Tewari Vs. Union of India, 1990(3) SLJ(CAT) 94 and Raj Kamal Vs. Union of India, 1990(2) SLJ(CAT) 169). We reiterate the same view. The respondents have not stated

* Decisions relied upon by the learned counsel for the applicant:-

JT 1989(4) SC 541; JT 1988(3) SC 120; AIR 1987 SC 2342; AIR 1988 SC 517; AIR 1988 SC 519; 1988(1) SLR 327; 1988(1) SLR 395.

that the work and conduct of the applicant were not upto the mark.

6. In the light of the above, the application is disposed of with the following orders and directions:-

- (i) The respondents shall continue to engage the applicant as a casual labourer in their offices, treating the Ministry of Defence as a single unit for the purpose of such engagement. He shall be continued in service as a casual labourer so long as the respondents need the services of casual labourers.
- (ii) The respondents are restrained from replacing the services of the applicant with casual labourers having lesser length of service or outsiders. The applicant shall be considered for regularisation in a suitable Group 'D' post in accordance with the relevant instructions issued by the Department of Personnel & Training. For this purpose, the broken periods of service shall be ignored and the age limit should be relaxed to the extent of service already put in by him.
- (iii) The wages to be paid to the applicant should be strictly in accordance with the administrative instructions issued by the Department of Personnel & Training.

(iv) The respondents shall comply with the above directions within a period of three months from the date of receipt of this order. The interim order passed on 25.2.1991 is hereby made absolute.

There will be no order as to costs.

B.N. DHOUDIYAL
(B.N. DHOUDIYAL)
MEMBER (A)
10.02.1992

10/2/92
(P.K. KARTHA)
VICE CHAIRMAN(J)
10.02.1992.

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