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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-635/91

Date of decision: 12.3.1992

Shri Hanuman Singh

.... 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? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. D.K. Chakravorty, Member)

The applicant, who has worked as a casual labourer in the office of the respondents since October, 1986, is aggrieved by his non-regularisation in a suitable post. On 15.3.1991, when the application was admitted, the Tribunal passed an interim order directing the respondents to consider engaging the applicant as casual labourer, if

any vacancy was available, in preference to his juniors and outsiders.

2. The respondents have not denied in their counter-affidavit that the applicant has worked for a period of 251 days from October, 1986 to July, 1987. Thereafter, though he was disengaged, he has been engaged again and sent to work in a project at Haridwar. On the basis of the stay order issued by the Tribunal, he is presently continuing as casual labourer.

3. We have carefully gone through the records of the case and have heard the learned counsel for both the parties. The applicant has challenged the validity of the instructions contained in the letter dated 22.4.1987 issued by the Department of Telecommunications, according to which, fresh recruitment of casual labourers is not to be made after 30.3.1985. The services of the applicant were terminated pursuant to the policy contained in the letter dated 22.4.1987. He has called in question the validity of the cut-off date on 30.3.1985 for the purpose of non-engagement of casual labourers. In this context, he has relied upon the decision of this Tribunal in OA-529/88 (Sunder Lal & Others Vs. Union of India) and in OA-2453/89 (Puran Mal Vs. Union of India).

4. The respondents have stated that the applicant was engaged for a specific work on purely temporary basis

and that, according to the Government policy, no casual labourer should be engaged after 30.3.1985. According to them, only limited work is available in their office and no more labourer can be engaged when there is absolutely no work for them.

5. In our view, there is no rationale in the policy decision of the respondents not to engage casual labourers after 30.3.1985 or in not considering them for regularisation. At the same time, if the respondents have no work to accommodate the applicant, we cannot issue a mandamus to them to engage him as casual labourer. The respondents have prepared a scheme for regularising casual labourers 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 case of the applicant should be considered for continued engagement and for regularisation in the light of the said scheme prepared by the respondents.

6. After hearing both sides, the application is disposed of with the direction to the respondents to continue to engage the applicant as casual labourer as long as they need the services of casual labourers and in preference to persons with lesser length of service and outsiders. He should also be considered for regularisation in accordance with the scheme prepared by them, if he is

found suitable in all respects for the same. The interim order passed on 15.3.1990, is hereby made absolute. There will be no order as to costs.

Duchelm 12/3/92
(D.K. Chakravorty)
Administrative Member

anant 12/3/92
(P.K. Kartha)
Vice-Chairman(Judl.)