

28/3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. 1. DA-427/91
2. DA-836/91, and
3. DA-1535/91

Date of decision: 6.3.1992

1. Shri Om Bhir Singh)
2. Shri Prashadi Lal () Applicants
3. Shri Gora Dass (others)

Versus

Union of India through
the Secretary,
Ministry of I & B &
Others Respondents

For the Applicants Shri T.C. Aggarwal, 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. P.K. Kartha,
Vice Chairman(J))

As common questions of law are involved in these
applications, it is proposed to deal with them in a common
judgement.

2. The applicants in these applications have worked as
casual labourers in the Directorate of Advertising & Visual
Publicity under the Ministry of Information & Broadcasting.
They are aggrieved by the impugned orders of their termination

and have sought for their reinstatement, regularisation and consequential benefits.

3. The applicant in OA-427/91 has stated that he has worked as Class IV employee from 2.4.1986 to 31.12.1990 with some breaks in between. The applicant in OA-836/91 has stated that he has worked from 30.5.1989 as Class IV employee. The applicants in OA-1535/91 have stated that they have worked continuously from 1982.

4. The respondents have denied the above version of the applicants. According to them, the applicants in these applications have not worked for 240 days in two consecutive years. However, they have not produced any documentary evidence in support of their version. Their stand is that the applicants were engaged as daily-wagers from time to time.

5. The applicants have contended that the respondents have retained the services of several persons junior to them.

6. In OA-427/91, an interim order was passed on 19.2.91 directing respondent No.1 (Ministry of Information & Broadcasting) to engage the applicant as casual labourer if vacancies are available in any of their offices, in preference to his juniors. In OA-836/91, an interim order was passed on 11.4.1991 directing the respondents to maintain status quo as regards the continuance of the applicant as a casual labourer as of that date. No interim order was passed in OA-1535/91.

7. We have carefully gone through the records of these cases and have considered the rival contentions. The question relating to the regularisation of the services of casual employees of the Ministry of Information and Broadcasting has been considered at length in the judgement of this Tribunal dated 5.3.1991 in OA-2056/90 (Shri Nand Kishore & Others Vs. Union of India through the Secretary, Ministry of Information & Broadcasting & Another). In the said judgement, the Tribunal has expressed the opinion that the applicants who had worked for more than two years as casual labourers, deserve to be considered for regularisation of their services, ignoring the artificial breaks in their service. In this respect, the Tribunal followed its earlier decision in D.P. Tiwari & Others Vs. Union of India & Another, 1990 (3) SLJ (CAT) 94 and Raj Kamal & Others Vs. Union of India, 1990 (2) SLJ (CAT) 169 to which both of us are parties. In Raj Kamal's case, we had held that for the purpose of regularisation of casual labourers, the Union of India should be treated as a single unit. The Tribunal rejected the contention of the respondents that the Publications Division in which the applicants had worked, could not provide employment to them. Following the ratio in Raj Kamal's case, Nand Kishore's case was disposed of with certain orders and directions which are equally relevant for the disposal of the applications before us.

8. Accordingly, the applications are disposed of with the following orders and directions:-

(i) We direct that such of those applicants whose services have been terminated, shall be re-engaged as casual labourers in the regular vacancies in the posts of Group 'D' arising in the Ministry of Information and Broadcasting, including its offices in Delhi and consider their regularisation in such vacancies.

(ii) In case, no vacancies exist in the Ministry of I & B and its offices in Delhi, the applicants should be adjusted against the vacancies of Group 'D' staff in other ministries/departments/ attached/subordinate offices for appointment in accordance with the scheme to be prepared, as mentioned in para. 21 of the judgement in Raj Kamal's case.

(iii) The respondents are directed not to induct fresh recruits as casual labourers through Employment Exchange or otherwise, overlooking the preferential claims of the applicants.

(iv) The emoluments to be given to the applicants till their regularisation, should be strictly in accordance with the orders and instructions issued by the Department of Personnel & Training.

After their regularisation, they shall be paid the same pay and allowances as admissible to regular employees belonging to Group 'D' category.

(v) The interim orders passed in the cases mentioned above, are hereby made absolute.

9. The applications are disposed of on the above lines. The respondents shall comply with the above directions within a period of three months from the date of communication of this order. There will be no order as to costs.

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

(D.K. Chakravorty)
Administrative Member

6/3/82
(P.K. Kartha)
Vice-Chairman (Judl.)