

In the Central Administrative Tribunal
Principal Bench: New Delhi

Regn. No. OA 889/1991

Date of decision 26.04.1993

Shri Chander Pal Singh & Others

...Applicants

Versus

Union of India & Others

...Respondents

For the Applicants

...Mrs. Rani Chhabra, Counsel

For the Respondents

...None

CORAM:-

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE-CHAIRMAN
THE HON'BLE MR. S. R. ADIGE,, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGEMENT(ORAL)

**(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)**

The 14 petitioners before us were employed as casual labourers in the Department of Telecommunication. A few of them are still working and the remaining are out of employment. The prayer is that the respondents may be directed to consider their cases for suitable employment.

2. Counter-affidavit has been filed on behalf of the respondents. We have perused the same.

3. The cases of the casual labourers of the Telecom Department came up before the Supreme Court. In pursuance of the directions given by that court, the Department prepared a Scheme known as "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the

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Department of Telecommunication, 1989". Under the Scheme the modes of employment to be given to casual labourers in phases are given.

4. The allegation is that in order to circumvent the Scheme, the respondents have devised the method of engaging contract labour with the result that in spite of the Scheme, the petitioners are not being given employment. In the reply filed, it is denied that the contract labour has been employed.

5. In Sankar Mukherjee Vs. Union of India & Others, 1990(Supp.) Supreme Court page 668, the concept of having contract labour either in the Public Sector Undertaking or in the Private Sector or in the Government Departments where there is ~~no~~ work of perennial nature has been deprecated.

6. The respondents shall strictly adhere to the terms of the Scheme and in case the petitioners are not in employment the respondents shall pass a reasoned order if they feel that the petitioners cannot be given the benefit of the said Scheme. While doing so, they shall not be entitled to raise the plea that they are engaging contract labour.

7. The respondents shall comply with the directions as expeditiously as possible but not beyond a period of 3 months from the date of presentation of a certified copy of this order by any of the petitioners. With these directions this application is disposed of finally.

8. There shall be no order as to costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)
26.04.1993

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S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN
26.04.1993