

In the Central Administrative Tribunal
Principal Bench, New Delhi.

Regn. Nos.:

Date: 14.8.1992

1. OA-922/91

Shri Inderjit Singh & Another Applicants

Versus

Union of India through
Secretary, Ministry of
I & B and Others.

.... Respondents

2. OA-1135/91

Shri Tarsem Lal & Ors.

.... Applicants

Versus

Union of India through Secy., ... Respondents
Ministry of I & B and Ors.

3. OA-1148/91

Shri Pradip Kumar Ujjal

.... Applicant

Versus

Union of India through
Secretary, Ministry of
I & B & Another.

.... Respondents

For the Applicants in 1&2

.... Shri S.K. Gupta, Counsel

For the Applicant in 3

.... Shri T.C. Aggarwal,
Counsel

For the Respondents

.... Smt. Raj Kumari Chhore,
Counsel.

CORAM: Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to
see the judgement? *Y*

2. To be referred to the Reporters or not? *No*

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

As common questions of law and facts have been
raised in these applications, it is proposed to deal with
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them in a common order.

2. The applicants in these applications have worked as Helper Accounts Clerks on daily-wage basis for various periods. They had been sponsored by the Employment Exchange for such engagement. Their grievance is that having worked for more than 240 days, they have not been regularised in the posts held by them and instead, the respondents have disengaged them. In OA-922/91 and OA-1135/91, the applicants have also called in question the decision of the respondents to invite tenders from reputed firms dealing with Accounts with a view to ~~as~~ parcelling out the work handled by them to prospective tenderers. Copies of the notice inviting tenders issued by the respondents, have been annexed to MP-2382/91 in OA-922/91 and MP-2384/91 in OA-1135/91 filed by the applicants.

3. We have gone through the records of the case carefully and have heard the learned counsel for both the parties.

4. The respondents have stated in their counter-affidavit that the applicants were engaged on daily-wage basis on clerical jobs for clearance of backlog bills which had piled up in their office. They were engaged for a short period for a specific work. The job was not of a regular and continuous nature and they were discontinued

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when not required. They have further stated that the applicants were engaged as casual workers for clerical work and not as casual workers for Class IV jobs.

Clerical posts in the Accounts Wing of the respondents' Office are filled through Staff Selection Commission on the basis of All India Competitive Examination. After the disengagement of the applicants, the respondents have also not engaged any fresh persons.

5. The respondents have annexed to their counter-affidavit the Recruitment Rules relating to the appointment of Accounts Clerk. The post is to be filled up by direct recruitment.

6. With regard to the notice inviting tenders, the respondents have stated that the system of engaging daily-wage hands was not found to be useful as they were not able to cope with the demands of the work. Instead of ~~so~~ of manual work, they have decided to computerise the whole billing system in their office. It was in this context that an advertisement was issued inviting quotations to assign the job to an outside agency (Firm of Accountants) who could perform the job with the help of the computer network. They have not entrusted the work to a private agency pursuant to the notice inviting tenders. They have entrusted it to the National Informatics Centre (N.I.C.) of the Government of India because of their specialised knowledge of computerisation programme.

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The N.I.C. has full-fledged expertise to carry out the work through computers.

7. The applicants have annexed to their MP-385/92 in OA-922/91 and MP-384/92 in OA-1135/91, a document dated 24.1.1992 issued by the International Systems Services (P) Ltd., in which permission has been sought for the persons mentioned therein to work six days in a week w.e.f. 25.1.1992 to 29.2.1992. The respondents have stated in their reply to the miscellaneous petitions that the persons shown in the said document are the persons engaged by the N.I.C. for work on the computers. Only the space available in the office of the respondents is being used by the N.I.C. for which purpose a letter according permission to the staff engaged by the N.I.C. was to serve as a gatepass for entry of the persons into the premises.

8. The respondents stated that the applicants have no training in computers nor any knowledge of computer work and that they cannot be engaged for the work for which the computer organisation of the Government (N.I.C.) has taken over the assignment.

9. In our opinion, this is not an instance in which the respondents have disengaged the services of casual labourers and entrusted their work to contractors. The decision of the Government to computerise the work of

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billing in their office, cannot be faulted on legal or constitutional grounds. The instructions issued by the Department of Personnel & Training in regard to casual labourers after they have worked for the requisite period, would not apply in the instant case where the applicants have been engaged as Helpers to the Accounts Clerks to do clerical and Accounts work of specialised nature and for a specific period. The applicants would be entitled only to the limited right for being considered for re-engagement in case the respondents need the services of similar categories of persons in future in preference to persons with lesser length of service and outsiders. The applications are disposed of with the aforesaid observations. The interim orders passed in these applications are modified to the extent that the respondents shall consider engaging the applicants as Helpers to the Accounts Clerks if they need the services of such category of persons and in preference to persons with lesser length of service and outsiders. The applications are disposed of on the above lines. There will be no order as to costs.

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

B.N.Dhondiyal
(B.N. Dhondiyal)
Administrative Member

Parvati
(P.K. Kartha)
14/8/82
Vice-Chairman (Judl.)