

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-1086/91

Date of decision: 18.9.92

Shri Prem Singh

.... Applicant

Versus

Director of Education,  
Delhi Admn. & Another .... Respondents

For the Applicant .... Shri D.R. Gupta, Advocate

For the Respondents .... Shri R.G. Goel, Addl. Director,  
Education, Delhi Admn.

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? *M*

JUDGMENT

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

The applicant has worked as a Casual Labourer from  
1.8.1990 to 25.9.1991 in the Sports Complex under the  
Directorate of Education, Delhi. He has prayed for the  
following reliefs:-

(i) to allow him to continue to work as Casual  
Labourer in their office as long as there  
is requirement for such workers against  
Group 'D' post or otherwise;

(ii) to restrain the respondents from engaging fresh recruits against any vacancy or any anticipatory vacancy of Group 'D' post till such time as the casual labourers are absorbed against such posts and till his services are regularised;

(iii) to quash the impugned order of termination of services of the applicant; and

(iv) after regularisation, the respondents should be directed to place the applicant at par with Group 'D' employees in respect of his service conditions and benefits.

2. We have gone through the records of the case and have heard the learned counsel for the applicant and the representative of the respondents. On 7.5.1991, when the application came up for admission, the learned counsel for the applicant stated that there are enough vacancies to accommodate the applicant and that 41 posts of Chowkidar had been recently sanctioned in the Directorate of Education. In view of this, the Tribunal directed that the respondents shall consider engaging the applicant as Casual Labourer in preference to his juniors and outsiders. The Tribunal also directed that one Group 'D' post be kept vacant during the pendency of the present application. 8

3, The representative of the respondents stated that the applicant left the job on his own. According to him, there is provision for only engaging 21 Group 'D' employees in the Sports Complex and these posts have already been filled up. He stated that in case any vacancy arises, the applicant will be engaged. At present, there is no need for Casual Labourers in the office of the respondents.

4. The learned counsel for the applicant relied upon the judgement of this Tribunal dated 17.8.1992 in OA-366/91 (Miss Surinder Kumari Vs. Union of India & Others) which also pertained to Casual Workers who had worked in the Sports Complex under the Delhi Administration from 1.8.90 to 25.1.1991. Thereafter, they had been continued as Casual Labourers on the strength of the interim orders passed by the Tribunal on 11.2.1991. They relied upon our judgement dated 8.1.1992 in a batch of applications (OA-1681/90 and connected matters - Shri Kuldev Jha Vs. Director of Education, Delhi Admin. & Another). The applicants in the said case had also worked as Casual Labourers in the same Sports Complex. The learned counsel for the applicant stated that the applicants in Surinder Kumari's case have been regularised. He further argued that persons junior to applicant Q the/ have been retained in service as Casual Labourers. For example, one, Raj Kumar, who had been appointed on 3.8.1990, which was after the engagement of the applicant on 1.8.1990,

has been regularised.

5. After hearing both the sides, we dispose of the present application with a direction to the respondents to re-engage the applicant as a Casual Labourer against a Group 'D' post which was directed to be kept vacant by the interim order passed by the Tribunal on 7.5.1991. The applicant should be continued as a Casual Labourer so long as respondents need the services of Casual Labourers and in preference to persons with lesser length of service and outsiders. The case of the applicant for regularisation of his services, should also be considered in an appropriate post, in case persons with lesser length of service have been considered for such regularisation. The direction as regards the re-engagement of the applicant as Casual Labourer shall be complied with expeditiously and preferably within a period of three months from the date of receipt of this order. There will be no order as to costs.

*B.N. Dhundiyal*  
(B.N. Dhundiyal) 18/9/92  
Administrative Member

*P.K. Kartha*  
(P.K. Kartha) 18/9/92  
Vice-Chairman(Judl.)