

IN THE ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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O.A.1304/92 Date of decision:16.2.93

Kunwar Pal Singh .. Applicant.

versus

Union of India
& others. .. Respondents.

Ms.Bharti Sharma .. Counsel for the applicant.

Sh.P.P.Khurana .. Counsel for the respondents.

CORAM:

The Hon'ble Sh.S.P.Mukherji, Vice Chairman(J).

The Hon'ble Sh.C.J.Roy, Member(A).

J U D G E M E N T (ORAL)

(Delivered by Hon'ble S.P.Mukherji, Vice Chairman(J))

We have heard the learned counsel for both the parties on this application dated 11.5.92 in which the applicant has claimed reinstatement, quashing of the order of termination and has prayed that the respondents be directed to absorb the applicant permanently in the Department. The claim of the applicant are founded on his previous casual service commencing from April 1988 till January 1992 without any break. In support of his casual service the applicant has produced certificates at annexure 1 and annexure 2. These certificates have

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not been challenged by the respondents. By the interim direction dated 14.5.92 the respondents were directed to consider to engage the applicant as casual labourer if any vacancy exists and in preference to persons junior to him and with lesser length of service. When the case was called up for admission today the learned counsel for both the parties agreed that the application can be disposed of with appropriate directions at the admission stage itself.

In accordance with the certificates at annexure 2 it is clear that on 1.10.89 the applicant was in casual service with more than 240 days casual service to his credit. The learned counsel for the respondents, Sh.P.P.Khurana, fairly agreed that if the applicant's case is covered by the scheme of grant of temporary status and regularisation promulgated by the respondents in October, 1989 the benefits of the same shall be made available to him.

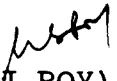
In the above light we allow the application to the extent of directing the respondents to engage the applicant as casual labourer, if work is available and if any person junior to the applicant with lesser length of service has been retained in the service. This is subject to the applicant being otherwise fit for casual employment. We also direct that the applicant shall be considered for grant of all the benefits if he is eligible, accruing from the Scheme of Grant of Temporary

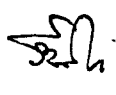
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Status and Regularisation effective from 1.10.89. We direct that action on the above lines should be completed within a period of three months from the date of receipt of a copy of this order. The O.A. is accordingly disposed of with no order as to costs.


(C.J.ROY)
MEMBER(A)


16.2.90
(S.P.MUKHERJI)
VICE CHAIRMAN(J)

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