

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(5)

OA No. 1676/92

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Date of decision: 04.12.92

Sh. R.S. Shukla & Another.. Applicants

VERSUS

Union of India & Ors. .. Respondents

For the applicant .. Sh. S.S. Tiwari, Counsel.

For the respondents .. Sh. P.P. Khurana, Counsel.

CORAM

Hon'ble Sh. P.K. Kartha, Vice Chairman (J)

Hon'ble Sh. B.N. Dhaundiyal, Member (A)

1. Whether Reporters of local papers may be allowed to see the judgement ? *Y*
2. To be referred to the Reporters or not ? *Y*

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh. B.N.

Dhaundiyal, Member (A)

In this OA, S/Shri R.S. Shukla and Sunder Pal both working as Daily Rated Mazdeers with the Department of Telecommunications, have prayed for the following reliefs :-

- (i) Quashing and setting aside of circular dated 2.6.87 wherein an arbitrary cut off date of 30.3.85 has been decided for retention of casual labourers. *DN*

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(ii) Quashing and setting aside the impugned termination order dated 5.6.92 issued to the applicants;

(iii) Directing the respondents to consider their regularisation.

2. Applicant No. 1 viz. Shri R.S. Shukla joined on 5.12.85 and applicant No.2 Shri Sunder Pal on 13.1.87 as daily rated mazdeers in the office of the Assistant Engineer, V.F.T. Department of Telecommunications and have worked continuously since then. Thus, they have completed more than 206 days in two consecutive years. However, the impugned circular dated 2.6.87 issued by General Manager, NTR (Maintenance), Department of Telecommunications, imposed an arbitrary date of 30.3.85 and has illegally ordered retrenchment of all these employees engaged after that date.

3. On 2.7.92, this Tribunal passed an interim order restraining the respondents from terminating the services of the applicants as daily rated mazdeers. The interim order has been continued till date.

4. The respondents were given several opportunities to file counter but they failed to do so. However, Sh. P.P. Khurana, learned counsel for the respondents,

(1)

appeared on the date of final hearing, it was agreed that this case could also be decided in the light of judgement given by the Supreme Court and this Tribunal in case of similarly situated workers (Daily Rated Casual Labour employed under the P&T Department Vs. U.O.I. & Others, AIR 1987 SC 2342 and Sunder Lal & Others Vs. U.O.I. & Others- OA No. 529/88 decided on 4.5.88). These issues have been dealt with by this Tribunal in the judgement dated 20.4.92 (OA No. 1724/91 Shri Harish Chand Bhatt Vs. Union of India and Others), wherein a reference was made to the directions of the Supreme Court for preparation of a scheme for absorbing all the casual labourers who had been working continuously for more than one year in the Post and Telegraph Department, and the scheme prepared by the Department, which covers all the casual labourers whether engaged prior to 31.3.85 or thereafter. The same view was reiterated by this Tribunal in case of Sunder Lal and others Versus Union of India and others (OA 529/88 decided on 4.5.88) and in case of Harish Chand Bhatt mentioned above. The respondents have already provided relief to the applicants in the aforementioned OA.

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4. In our opinion, the applicants before us are also entitled to the same treatment. Accordingly, the application is disposed of, with the directions to the respondents to enter the names of the applicants in the live casual labour register, to continue the service of the applicants, and to consider regularising them in accordance with the above mentioned scheme prepared by them. The interim order passed on 2.7.92 is hereby made absolute.

There will be no order as to costs.

B.N. Dhundiyal
(B.N. DHUNDIYAL)
MEMBER(A) 4/12/92

seen 4/12/92
(P.K. KARTHA)
VICE CHAIRMAN (J)