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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI,

1.O.A.No.484 of 1992 Date of Decision: 29.4.93.

Chathu Mahanto Applicant.

Versus

Union of India & others Respondents.

2. O.A.No.1709 of 1992.

Kamal Kishore & others Applicants.

Versus

Union of India & others Respondents.

3.O.A.No.1710 of 1992.

Chaman Lal & others Applicants.

Versus

Union of India & others Respondents.

CORAM:

Hon'ble Mr.Justice S.K.Dhaon,Vice-Chairman,
Hon'ble Mr.S.R.Adige,Member(A)

For the applicant: Shri E.X.Joseph,Counsel.

For the respondents: Shri N.S.Mehta,Counsel.

JUDGMENT(ORAL)
(By Hon'ble Mr.Justice S.K.Dhaon,Vice-Chairman)

The petitioners, in these cases, allege themselves to be the Casual Labourers working in the Staff Selection Commission. Their grievance is that they are not being considered for regularisation and those, who are out of employment, are not being considered for being given suitable jobs. They have, therefore, approached this Tribunal.

2. The matter came up before this Tribunal earlier in a number of cases. Two learned members disposed of the same on 11.2.92. They issued certain directions. The main direction was that the respondents should prepare a scheme in accordance with the directions made in the order. Accordingly, a scheme was prepared and nomenclatured as 'A scheme for Daily Wages', a copy of which has been filed as Annexure-R1 in O.A.No.1710 of 1992.

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'Chaman Lal & others Vs. Union of India & others'.

3. We have perused the scheme along with the directions given by this Tribunal.

4. At the Bar, the learned counsel appearing for either side are at variance on the question of the enforcement of the scheme. The learned counsel for the petitioners states that the scheme has not been enforced so far. On the contrary, the learned counsel for the respondents states that the scheme is being implemented and has been enforced.

5. If the scheme has been enforced then the respondents are bound by the terms of the same. The scheme provides that those casual labourers who have rendered service for 240 or 206 days, as the case may be, in two consecutive years are eligible for being considered for regularisation. It makes it clear that those who fulfil this requirement will be offered employment if, and when, their services are required and for that purpose they shall be given preference over freshers and junior to them. The third Clause of the scheme also suggests that the Department of Personnel and Training should take urgent steps for creation of Group D posts on priority basis to facilitate regularisation of the eligible daily wagers retained in the Commission.

6. There is also some dispute before the Tribunal that Chatnu Mahanto-petitioner in O.A.No.484 of 1992 does not fulfil the requirements of the scheme. It is difficult for this Tribunal to record any positive finding on the issue raised. This is a matter which is to be enquired into by the appropriate authority which is called upon to implement the scheme. If the authority concerned comes to the conclusion that any of the petitioners are not eligible for being

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given any benefit under the scheme, it shall record reasons in support of the order. The authority concerned shall pass orders after examining the case of each of the petitioners within a period of three months from the date of presentation of a certified copy of this order by any of the petitioners before it.

7. The learned counsel for the petitioners has pointed out that inspite of the directions given by this tribunal in its order dated 11.2.92 that till scheme is prepared and put into operation the respondents should not dis-engage the services of the applicants, the directions are being observed in their breach.

8. The respondents shall strictly adhere to the directions aforementioned.

9. With these directions, these applications are disposed of but without any order as to costs.

10. Let a copy of this order be kept on the files of O.A.No.1709/92 and O.A.No.1710/92.

(S.R.ADICE)
MEMBER(A)

(S.K.DHAON)
VICE-CHAIRMAN

(ug)

Attested this copy

A. W. Chinchlala

Comptroller

of Accounts and in duplicate and the same is
affixed with stamp at Jamshedpur dated 10.3.1992.

Below follows a list of other documents annexed hereto
and further attached hereto for information and reference:

1. Petition for writ of habeas corpus filed by
the petitioners before the Hon'ble High Court of Jharkhand.

2. Application for writ of habeas corpus filed by
the petitioners before the Hon'ble High Court of Jharkhand.