

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1905/92

T.A. No.

199

DATE OF DECISION 7.9.1993

Sunil Kumar

Petitioner/Applicant

Sh. A.K.Bhardwaj

Advocate for the Petitioner(s)

Versus

State of India.

Respondent

Sh. M.L.Verma,

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. J.P.Sharma, Member(J)

The Hon'ble Mr. B.K.Singh, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT

J.P.Sharma, Member(J, Oral)

The applicants are Casual workers in Doordarshan and had apprehension of their dis-engagement. They have filed the present application praying that the respondents may be directed not to terminate their services as Casual Labourers; a direction to absorb them in Group-D post and in the case of non-availability of the work, the principle of 'last come first go' be adopted. The Bench by this order dated 23rd July, 1992 issued interim direction to the respondents to maintain status-quo as regards the continuance of the applicants as Casual Labourers. That interim order has become absolute. The learned counsel for the applicant has also moved a M.P.No. 1726/93 praying that for the continuance of the interim order dated 23rd July, 1992. Another application has also been

moved by the petitioner applicant, being MP No. 206/92 praying that the respondents be directed to pay wages to the applicants at the scale at par with regularly appointed employees. The learned counsel has also supported his M.P. by filing Annexures, which are certain decisions arrived at by the C.A.T., Ahmedabad Bench.

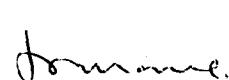
We have heard the learned counsel for the parties at length and have gone through the record. The learned counsel has referred to para 3 of the reply, wherein it is clearly stated by the respondents that the apprehension of the applicants is mis-conceived and they are not being dis-engaged so long as the work is available with them. It is further stated that they will be paid wages in accordance with the minimum scale of pay of the regular Group D employee, as per directions already passed by the Tribunal. It is also stated that while dis-continuing the services, the principle of last comes first goes will be observed.

The matter has already been set at rest by the Hon'ble Supreme Court in the case of Daily rated Employees of P&T Deptt. through Bhartiya Mazdoor Munch vs. Union of India, S.C. 2342.

The counter filed by the respondent is specific on the point that so long as there is work available the applicant shall not be dis-engaged except on the principle of last comes first goes. In the reply also, it is stated that Casual Labourers are being paid the wages of Group-D pay-scales.

In view of the above facts and clear undertakings by the respondent in their reply, the application is disposed of ^{accordingly} with no order as to costs.


(B.K. Singh)
Member(A)


(J.P. Sharma) 7-9-13
Member(J)