

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(10)

Regn.No. OA 245/1992 Date of decision: 11.12.1992

Shri Bijendra Kumar Sharma & Others ..Applicants

Versus

Union of India & Others ..Respondents

For the Applicants ..Mrs. Rani Chhabra,
Counsel

For the Respondents ..Shri P.P. Khurana,
Counsel

CORAM:

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

The Hon'ble Mr. B.N. Dhondiyal, Administrative Member

1. To be referred to the Reporters or not? *NO*

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

The three applicants in this case have worked as casual labourers in the office of the respondents and they are aggrieved by their disengagement. They have sought ~~for~~ ^a reinstatement as casual labourers and ~~for~~ ^a regularisation of their services.

2. We have gone through the records of the case and have heard the learned counsel of both parties. On 5.2.1992 when the application was admitted, the Tribunal passed an interim order directing the respondents to consider *Q*

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reengaging the applicants as casual labourers if vacancies exists and in preference to their juniors and outsiders.

3. The versions of the applicants and the respondents as regards the details of service rendered by the applicants are divergent. According to the applicants they have completed 240 days of regular work while this is being disputed by the respondents. The applicants have relied upon the experience certificate given by the officers of the respondents at Annexures A-1 to A-4 to the application. According to these certificates, applicant No.1 has worked for 471 days between December, 1980 and June, 1986 and thereafter for 168 days from October, 1987 to February, 1988. The second applicant has worked for 348 days from June, 1979 to March, 1983 and 333 days from April, 1983 to August, 1984. Applicant No.3 has worked for 314 days from January, 1983 to December, 1984. As against this, the respondents have stated that Applicant No.1 worked in 1980-81 for 66 days, 1982-83 for 165 days, 1983-84 for 21 days, 1985-86 for 57 days, 1986-87 for 61 days and 1987-88 for 168 days. Applicant No.2 has worked in 1979 for 30 days, 1981-82 for 37 days, 1982-83 for 291 days, 1983-84 for 211 days and 1984-85 for 100 days. Applicant No.3 has worked in the year 1983-84 for 76 days and 1984-85 for 238 days.

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4. According to the respondents, the applicants have not worked for 240 days in a year as required under the rules and in this context, they have annexed copy of a letter at Annexure-A to the counter-affidavit together with a copy of the scheme prepared by the respondents called "casual labourers grant of temporary status and regularisation scheme of the department of Telecommunications, 1989".

5. Admittedly, applicant No.2 has worked for 291 days in 1981-83 and applicant No.3 has worked for 238 days in 1984-85. Applicant No.1 can also be taken to have worked for 240 days in case the broken periods of service are ignored.

6. The respondents have sought to justify the disengagement of the applicants on the basis of their policy decision not to engage casual labourers after 30.03.1985. In the instant case, the applicants had been engaged prior to the said date.

7. After considering the rival contentions, the application is disposed of with the following directions:-

(1) The applicants shall be considered for engagement as casual labourers if vacancies exists and in preference to persons with lesser length of service and outsiders.

(2) The case of the applicants for regularisation shall be considered in accordance with the scheme prepared by the ^{the} respondents mentioned above. For this purpose, the technical breaks in

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their services shall be ignored. They would be entitled to
an
regularisation ~~making~~ in their turn.

(3) There will be no order as to costs.

B.N. Dhoudiyal
(B.N. DHOUDIYAL)
MEMBER (A)
11.12.1992

arrg
(P.K. KARTHA)
VICE CHAIRMAN (J)
11.12.1992

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