

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.2545/92

Date of Decision: 18.11.92

Shri Chhotey Lal

Applicant

Versus

Union of India and others

Respondents

Counsel for the applicant

Shri A.K. Bhardwaj

Counsel for the respondents

Shri A.K. Behra

CORAM:

THE HON'BLE VICE CHAIRMAN SHRI P.K. KARTHA

THE HON'BLE MEMBER SHRI B.N. DHOUNDIYAI

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

JUDGEMENT

(of the Bench delivered by
Hon'ble Member Shri B.N. DHOUNDIYAI)

This OA has been filed by Shri Chhotey Lal Balmiki, against verbal order of termination passed by the Doordarshan authorities.

2. According to the applicant, he was sponsored by the R.K.Puram Employment Exchange, New Delhi and the respondents selected him as Casual Labourer to work in the office of the Controller of Sales, Doordarshan Commercial Sales, New Delhi, w.e.f. 26.5.92. On 25.9.92, the respondents proposed to terminate the services of the applicant as Casual Labourer and to engage some other person from outside to do the same work as Peon, which the applicant was doing for the past four months. He has prayed that the respondents be directed not to terminate his service and absorb him on regular Group 'D' post, in preference to juniors and outsiders. *Av*

3. On 30.9.92, this Tribunal passed an interim order directing the respondents to maintain status quo, as regard continuance of the applicant as Casual Labourer. This order has been continued till date.

4. The respondents have stated that Shri Chotey LAI was engaged as casual labourer (Waterman) for the seasonal requirement and no other person is being engaged in his place. Two persons including the applicant were engaged at the same time in May 1992 and while the applicant has been continuing in accordance with the interim order dated 30.9.92, the other Waterman has been disengaged. The requirement of a casual worker was only upto 30.9.92.

5. We have gone through the records of the case and have heard the 1d.counsel for both parties. The 1d.counsel for the applicant has referred to various judgements of this Tribunal and Supreme Court, under which, the Ministries/Departmenets of the Central Government have to prepare a rational scheme for absorption of Casual Labourers. He has also argued that since he was engaged in May 1992 as a casual worker it shows that the respondents are not following any rational scheme and are randomly appointing Casual Labourers. The 1d.counsel for the respondents contended that the applicant has not completed the required 240 days service in a year for two years consecutively to be entitled to be considered for regularisation as Casual labourer.

6. In view of the above facts and circumstances of the case, the only relief that can be given to the applicant is that in case there is a need for the _____ services of Casual Labourers in the office of the _____

*** Raj Kamal Vs. Union of India; 1990(2) SLJ(C.A.T.) 169.
State of Haryana Vs. Piara Singh; 1990(2) SCALE 384.

b

respondents in future, he should be given preference over those with lesser length of service and outsiders.

(b) The name of the applicant should be kept in a Casual Labour Register to be maintained by the respondents, and the applicant be considered for absorption, whenever vacancy arises, but strictly in accordance with the seniority.

(C) The Stay Order passed on 30.9.92 is hereby vacated.

(d) The parties to bear their own costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal)

Member(A)

18/11/92

(P.K. Kartha)

Vice Chairman(J)

18/11/92