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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

Regn.No. OA-2709/92

Date of decision: 5.2.1993

Shri Karan Pal Singh & Ors. Applicants

Versus

Union of India through
Secy., Ministry of Health
& Family Welfare & Ors. Respondents

For the Applicants

.... Shri V.P. Sharma, Advocate

For the Respondents

.... Shri P.P. Khurana, Advocate

CORAM:

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

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

1. To be referred to the Reporters or not? ^{NO}

JUDGEMENT

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

We have gone through the records of the case and have heard the learned counsel for both the parties. The applicants, who have worked as casual labourers in the office of the respondents, are aggrieved by the imounged order of termination of their services. The services of applicants 1 and 3 were continued from 1.10.1992 and the services of applicant No.2 were continued from 1.8.1992. They have prayed for their reinstatement and regularisation in Group 'D' posts.

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2. According to the applicants, applicant No.1 was engaged on 11.5.1992, ^{and} applicants No.2 and 3 on 13.5.1991. They were also sponsored by the local Employment Exchange for such engagement. After disengaging them, the respondents have called for fresh names from the local Employment Exchange for selection/appointment as casual labourers. They have submitted that their work and conduct had been satisfactory and that there are vacancies in which they could be accommodated.

3. The respondents have stated in their counter-affidavit that the applicants were engaged for seasonal or casual work and were disengaged when these jobs were over. There were breaks during the period of their engagement. According to them, applicant No.1 worked for 98 days from 11.5.1990 to 31.12.1990 in the Principal Accounts Office and thereafter, there was a break of 48 days from 1.1.1991 to 17.2.1991. Thereafter, he was engaged from 18.2.1991 to 31.8.1991 for a period of 139 days. Again, from 1.9.1991 to 13.10.1991, there was a break of 43 days. Similarly, there had been breaks in the service rendered by applicant No.2 to the extent of 57 days and in the case of applicant No.3, 50 days.

4. The respondents have stated in their counter-affidavit that they did not call any names for engagement as daily-wager from the Employment Exchange after disengagement of the applicants.

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5. There is nothing on record to indicate that the applicants have worked for 240 days in two consecutive years so as to make them eligible for regularisation. Apart from this, there is also nothing on record to indicate that there are vacancies in which the applicants could be continued as casual labourers or in regular posts.

6. In the above factual background, the application is disposed of with a direction to the respondents to consider engaging the applicants as casual labourers in case they need the services of casual labourers and in preference to persons with lesser length of service and outsiders. In that event, they should also be considered for regularisation in accordance with the administrative instructions issued by the Department of Personnel & Training dated 26.10.1984. There will be no order as to costs.

B.N. Dhondiyal
(B.N. Dhondiyal) S/2193
Administrative Member

P.K. Kartha
572/83
(P.K. Kartha)
Vice-Chairman (Judl.)