

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA No. 310/92 .. Date of decision: 31-7-92

Sh. Gyan Rattan & Ors .. Applicants

Sh. Inderjir Sharma .. Counsel for the Applicant

Versus

U.P.S.C. & Ors. .. Respondents

Sh. M.L. Verma .. Counsel for the respondents.

CORAM

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

Hon'ble Sh. B.N. Dhoundiyal, Member (A)

- (14)
1. Whether the Reporters of local papers may be allowed to see the Judgement ? *Yes*
  2. To be referred to the Reporters or not ? *Yes*

JUDGEMENT

(Of the Bench delivered by Hon'ble Sh. B.N.Dhoundiyal,  
Member (A))

This OA has been filed under Section 19 of the Central Administrative Tribunals Act, 1985 by Shi. Gyan Rattan and his 71 other colleagues who have been working as Casual Labourers in the U.P.S.C. for last 4-5 years. Though they are performing duties similar to those performed by the Group 'D' workers and though all necessary verifications of educational qualifications, dates of birth, registration in the Employment Exchange and scrutiny of character and antecedents by Police were carried out at the time of their recruitment, they are still being treated as daily wagers and have not been given the benefit of regularisation. A representation submitted by them on 19.11.91 has not elicited any response from the Commission. They have prayed for

*IN*

directions being issued to the respondents for absorbing them in Group 'D' posts and <sup>giving</sup> for them regular scales as Group 'D' employees.

2. The respondents have admitted that these casual labourers have continued in the service for almost 4-5 years. However, they have denied that their duties were similar to those of Group 'D' workers. They were recruited mainly to cope with extra work connected with the examinations like packing of supply of stationery for examination centres, stamping and posting of envelopes, weeding of records, filling water coolers and serving drinking water to the candidates. Retention of their services was necessary due to <sup>a</sup> tight schedule of examinations. After receipt of DOP&T O.M. dated 7.6.88, a review of the position was undertaken in March 1989 but the special nature of the work in the Commission was not covered under the norms laid down by the Government and these regular posts could not be justified. A decision was taken not to terminate the services of the existing casual labourers and stop further recruitment of this category of workers. As and when regular vacancies arise, these are filled up from amongst the existing casual workers. Out of 177 such workers, services of 68 have already been regularised till date and only 103 long term casual workers are remaining. The cadre of Group 'D' posts include those of sweepers against which the applicants would not <sup>like</sup> to be posted. The position regarding the other posts is as follows :-

	<u>Sanctioned strength</u>	<u>In position</u>
1. Peon	178	178
2. Coolie	23	23
3. Farash	14	12*(Action to fill up vacant posts is being initiated.)

3. We have gone through the records of the case and heard the learned counsel for the parties. The respondents have themselves admitted that due to tight schedule of examinations they require the services of these workers continuously. It cannot, therefore, be said that there is no work of long term duration available with the respondents. Over a period of time, some of these casual workers have been attached with the Senior Officers and it is very difficult to distinguish between the functions discharged by them or a regular coolie, farash or peon. The only difficulty seems to be that the special requirements of the Commission are not covered within the norms laid down by the Government for creation of posts.

4. In the facts and circumstances of the case, the following orders are issued :-

1. The respondents shall carry out a review of their special requirements for conducting examinations and initiate proposals for creating vacancies to cater for the work which is at present being done by the long term casual workers. The relevant instructions of the Department of Personnel to create posts for regularisation of casual workers who have been working for a long time shall also be kept in view. If necessary, creation of vacancies may be phased over. All the long term casual workers should <sup>by</sup> ~~preferably~~ be provided regular posts within a reasonable period, preferably within a period of four months from the date of receipt of this order.
2. The Casual Labourer Register will continue to be in operation till all the applicants are adjusted against regular posts. Their services shall not be terminated.
3. Those workers who have worked for 206 days in each of two consecutive years shall be placed in the minimum <sup>by</sup>

of the pay scale of Group 'D' posts with immediate effect.

4. The interim order passed on 7.2.1992 is hereby made absolute.

There will be no order as to costs.

*B.N. Dhoundiyal*  
( B.N. Dhoundiyal ) 21/7/92  
Member (A)

*P.K. Kartha*  
( P.K. Kartha ) 31/7/92  
Vice Chairman (J)