

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 459/1992

Date of decision: 13.11.1992

Shri Uttam Lal Sahu

...Applicant

Vs.

Union of India through the  
Secretary, Staff Selection  
Commission

...Respondents

For the Applicant

...Shri B.B. Raval,  
Counsel

For the Respondents

...Shri Jog Singh,  
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

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

We have gone through the records of the case carefully and have heard the learned counsel for both parties. The admitted factual position is that the applicant has worked as a casual labourer in the office of the Staff Selection Commission (S.S.C.) from 20.04.1981 to 18.5.1984 and from April, 1986 to October, 1986 with breaks in between. He was also paid a sum of Rs.110.30 by way of bonus on 24.10.1986. The applicant has stated that he is a matriculate. From October, 1986 onwards he had not been in the service of SSC. The grievance of the

~

(18)

applicant is that the respondents employed 13 persons on temporary basis on daily wages basis with effect from 10th February, 1989 onwards. The applicant has annexed a copy of the order dated 16.2.1989 at page 17 of the paper book. He has stated that these persons were registered with the Employment Exchange only subsequent to the applicant being enrolled in the Employment Exchange and became casual labourers much later than him. The version of the respondents is that only those casual workers who were actually in position were considered for regularisation as and when suitable vacancies arose. Since the applicant was not working in the office of the SSC at the relevant time, his case was not considered along with the others. The applicant has alleged that one Shri Gharib Dass who was engaged as casual labourer in 1984 has been regularised in a Group 'D' post in January, 1992. The respondents have stated that Shri Gharib Dass was found to have indulged in some malpractices and for this reason he was disengaged by them. However, this decision was struck down by this Tribunal and he was offered regular appointment. He has not, however, been actually appointed as he has not submitted the necessary documents which are prerequisite for appointment under the Government. In the case of the applicant, he did not come back to the office of SSC in

a

11

October 1986 on completion of work. They have also stated that there is no work in the SSC for which the applicant can be engaged.

2. The present application was filed on 20.2.1982. The respondents have raised the preliminary objection that the application is barred by limitation as he had been disengaged in October, 1986. There is nothing on record to indicate that the applicant had voluntarily abandoned the service. He has stated that he had been visiting the office of the SSC frequently to ascertain as to when he would be reengaged as casual labourer. In the facts and circumstances, we are of the opinion that the application should not be rejected on the ground of limitation.

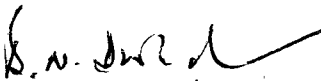
3. The question relating to the engagement and disengagement of casual labourers in the SSC has been considered in a batch of applications decided on 11.2.92 (OA 1489/1990 and connected matters - Shri T. Dominic and Others Vs. Union of India & Another). In that case, the Tribunal has directed the respondents to prepare a rational and fair scheme. Those who <sup>have</sup> worked for 240 days or more including the broken periods of service should be covered

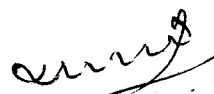
Q

by such a scheme. Simultaneously, the respondents should also make a realistic appraisal of the requirement of Group 'D' staff to cope with the work being handled by casual labourers at present on a continuing basis throughout the year.

4. Following the ratio in the aforesaid case, the present application is disposed of with the direction to the respondents to consider engaging the applicant as casual labourer in accordance with the scheme directed to be prepared by them. The interim order passed on 28.2.1992 is hereby made absolute.

There will be no order as to costs.

  
(B.N. DHOUNDIYAL)  
MEMBER (A)  
13.11.1992

  
(P.K. KARTHA)  
VICE CHAIRMAN (J)  
13.11.1992

RKS  
13/11/92