

Central Administrative Tribunal
Principal Bench: New Delhi

Date of decision: 5.5.1993.

OA No. 761/92

Shri Raj Kumar & Other

...Petitioner

Versus

Union of India through
The General Manager, Northern
Railway, New Delhi and
Others ...Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman (J)
The Hon'ble Mr. S.R. Adige, Member (A)

For the petitioner

Shri B.S. Maine,
Counsel.

For the respondents

Shri H.K. Gangwani,
Counsel.

Judgement (Oral)
(Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

The material averments are these. Between 1966 and 1970 the petitioners were appointed as casual labours. From 1977-78 they were given temporary status. After passing a trade test the petitioners were promoted as Artisans. This promotion took place sometime in 1985. The promotion was on ad-hoc basis. The state of adhocism cannot last for indefinite period. The only prayer made in this application is that the Tribunal may direct the respondents to regularise the services of the petitioners as Artisans.

2. A reply has been filed on behalf of the respondents. In it, the material averments are these. The petitioners were working in a Construction organisation on the Northern Railway and the construction organisation of the Northern Railway is not deemed to be permanent organisation. The staff in the said organisation was declared surplus. In view of the decision of the Supreme Court in Inder Pal Yadav's

case the casual labours employed on a project have to be screened and considered for regularisation as and when the vacancies arise.

3. We have seen the relevant rules. We have also seen some authorities of the Supreme Court. The view taken by the Supreme Court appears to be where an employee is allowed to work on a higher post on ad-hoc basis for a considerable number of years, his case for regularisation should be considered by the authority concerned, and if he fulfils the requisite qualifications, necessary orders should be passed in his favour. It appears that in view of the stand taken in the counter-affidavit the cases of the petitioners have not been considered so far. That should be done now. The authority concerned shall pass appropriate orders as expeditiously as possible but not beyond a period of three months from the date of presentation of a certified copy of this order by any of the petitioners before it. Till the authority concerned decides the question of regularisation of the services of the petitioners the notice dated 27.2.1992 issued by the Deputy Chief Engineer, in so far as it pertains to the petitioners shall be kept in abeyance. We may indicate that during the pendency of this application there was an interim order operating to the effect that status quo shall be maintained by the respondents.

4. With these observations this application is disposed of finally but without any order as to costs.

Adige
(S.R. Adige)
Member (A)

Dhaon
(S.K. Dhaon)
Vice-Chairman

San.