

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

1)

O.A. NO. 859/92

DECIDED ON : 5.8.1993

Layak Ram Sharma;
Mahabir Singh;
Balbir Singh; and
Hari Das

... Petitioners

Vs.

Ministry of Defence through
its Secretary & Anr.

... Respondents

2)

O.A. NO. 861/92

Suresh Chandra Sharma

... Petitioner

Vs.

Ministry of Defence through
its Secretary & Anr.

... Respondents

3)

O.A. NO. 863/92

Ram Girish Gupta

... Petitioner

Vs.

Ministry of Defence through
its Secretary & Anr.

... Respondents

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. JUSTICE S. K. DHAN, VICE CHAIRMAN
THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

Shri V. K. Rao, Counsel for Petitioners

Shri P. H. Ramchandani, Sr. Counsel with
Shri J. C. Madan, Counsel for Respondents

J U D G M E N T (ORAL)

Hon'ble Mr. Justice V. S. Malimath —

After these cases were heard for some time, the learned counsel for the petitioners rightly and fairly submitted that there is no averment in these cases that any of their juniors amongst the casual labourers have been accorded regularization.



That being the position, the cause of action has not accrued in their favour to seek regularisation. The only other relief prayed for is not to terminate their services as casual labourers pending regularisation. The respondents have taken the stand that there are no vacancies now available in which regularisation can be effected. There is no good reason not to accept the statement. So far as the continuance of the petitioners is concerned, the learned counsel for the respondents rightly and fairly submitted that there is no immediate threat of termination of the casual employment of the petitioners. He also submitted that the petitioners should be continued as casual labourers as long as there is work for them in preference to their juniors and outsiders. We record the said statement of the respondents in this behalf. This is sufficient to safeguard the interest of the petitioners so far as their right to continue as casual labourers is concerned. In this view of the matter, we do not consider it necessary to examine the larger question which has been referred to us for consideration. We are inclined to say that the question formulated is undoubtedly of great importance, but as that question does not now fall for consideration in this case, it has to be left to be decided in other appropriate proceedings.

2. With these observations, all these cases stand disposed of. There shall be no orders as to costs.

(B. N. Dhoundiyal)
Member (A)

(S. M. Dhaon)
Vice Chairman (J)

(V. S. Malimath)
Chairman