

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA No.871/92 .. Date of decision: 25.09.92
Sh. Balwinder Kumar .. Applicant.
Sh. Sunil Malhotra .. Counsel for the applicant
Versus
Union of India .. Respondents
Sh. P.H.Ramchandani .. Counsel for the respondents

CORAM

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

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

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

J U D G E M E N T (Oral)

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

We have heard the learned counsel for both parties and gone through the records of the case. The applicant has not worked for 240 days in two consecutive years in order to claim regularisation in Group 'D' post in accordance with the relevant instructions issued by the Department of Personnel & Training. According to the version of the respondents, he has worked only for a period of 192 days from July 1991 to February, 1992.

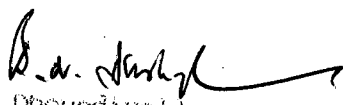
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The learned counsel for the applicant stated that the respondents have proposed to induct fresh recruits with effect from 01.10.92. He submits that the applicant should be continued as casual labourer so long as vacancy exists and in preference to persons with lesser length of service and outsiders.

The learned counsel for the respondents stated that casual labourers are engaged as and when need arises and they are disengaged when their services are no longer required. He stated that whenever need arises, they write to the Employment Exchange to nominate candidates. He also submitted that in case the applicant's name is sponsored by the Employment Exchange, his case will also be considered.

After hearing both sides, we dispose of the present application with the direction to the respondents to consider engaging the applicant as casual labourer along with the nominees of the Employment Exchange in case they propose to induct any fresh recruits as casual labourers. In that event, the respondents shall not insist the name of the applicant being sponsored by the Employment Exchange as he has already been sponsored by the Employment Exchange. The application is disposed of on the above lines.

There will be no order as to costs. Let a copy of the order be given to both parties immediately.


(B.N. Dhoundiyal)

Member(A)


(P.K. Kartha)

Vice Chairman(J).