

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No. DA-1137/92

Date of decision: 18.11.1992

5  
5

Shri Diwan Singh & Ors. .... Applicants

Versus

Union of India through  
Secretary, Ministry of  
I & B and Others .... Respondents

For the Applicants .... Shri J.K. Singh, Advocate

For the Respondents .... Shri Jog Singh, Advocate

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. Kartha, Vice Chairman(J))

There are 26 applicants in this application, who  
have filed a joint application. They are employed in the  
'Employment News' as daily-wage staff on continuous basis  
for the last few years ranging from 1985 to 1991. Out of  
them, 12 persons are doing clerical work and the remaining  
14 are doing the work of Group 'D' staff. The applicants  
have stated that the Staff Inspection Unit conducted a  
*Q*

b

(b)

work study of the Unit in which they were working and have recommended creation of 31 additional posts (including 12 in Group 'C' category and 14 of Group 'D' category). Their grievance is that the respondents have not taken steps to create regular posts and regularise their services. They have also stated that they are being threatened with orders of termination. They have, therefore, prayed that the respondents be directed to regularise their services against Group 'C' and Group 'D' posts approved by the Staff Inspection Unit of the Ministry of Finance from the respective dates of their initial appointment. They have also prayed for grant of consequential benefits.

2. The respondents have stated in their counter-affidavit that the recommendations of the Staff Inspection Unit of the Ministry of Finance are being considered by the Government and appropriate action will be taken. They have further submitted that the request of the applicants for regularisation will be examined in the context of the overall seniority of daily-wagers in the other Wings of the Publication Division and in the light of various judicial pronouncements on the subject. They have annexed to the counter-affidavit judgement of this Tribunal dated 7.4.1992 in Ram Dhan & Others Vs. Union of India - and *2* DA-1876/91/dated 7.4.1992 in Sukhpal Singh Vs. Union of

*2*

....3...

India in OA-675/90.

3. We have gone through the records of the case and have heard the learned counsel for both the parties. This Tribunal had considered the question relating to the engagement of casual labourers in the Ministry of I & B and given appropriate directions in judgement dated 5.3.1991 in OA-2066/90 (Nand Kishore and Others Vs. Union of India). Following the ratio in Nand Kishore's judgement, we hold that the applicants, who have worked for more than two years as casual labourers, deserve to be considered for regularisation of their services, ignoring the artificial breaks in their service. In this respect, we follow the decision of this Tribunal in O.P. Tiwari & Others Vs. Union of India, 1990 (3) SLJ (CAT) 94, and Raj Kamal & Others Vs. Union of India, 1990 (2) SLJ (CAT) 189. In Raj Kamal's case, the Tribunal had directed that for the purpose of regularisation of casual labourers, the Union of India should be treated as a single unit.

4. In the facts and circumstances of the case, the application is disposed with the following orders and directions:-

(i) We direct that the applicants shall be continued to be engaged as casual labourers so long as the respondents need the services of casual labourers and in preference to a

8

(S)

their juniors and outsiders;

(ii) In case, no vacancies exist in the Publication Division, the applicants should be considered for engagement in other offices in the Ministry of Information & Broadcasting, depending on the availability of vacancies. They should also be considered for regularization in accordance with the scheme prepared, as mentioned in the judgement of this Tribunal in Raj Kamal's case;

(iii) the respondents are directed not to induct fresh recruits as casual labourers through the Employment Exchange or otherwise, overlooking the preferential claims of the applicants; and

(v) There will be no order as to costs.

*B.N. Dhundiyal*  
(B.N. Dhundiyal) 18/11/72  
Administrative Member

*18/11/72*  
(P.K. Kartha)  
Vice-Chairman(Judl.)