

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1495/93
OA No. 1515/93
&
OA No. 1540/93

New Delhi, dated the 6th July, 1994.

Hon'ble Sh. N. V. Krishnan, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Shri Ram Nath,
Resident of 137, Krishi Kunj,
I.A.R.I. Pusa, New Delhi.
2. Shri Divender Thakur,
R/o 272, Krishi Kunj,
Type-II, I.A.R.I. Pusa,
New Delhi.
3. Shri Mahesh Rai
R/o 1694, Krishi Kunj,
I.A.R.I. Pusa, New Delhi

... Applicants

V/s

1. Director General, Indian Council
of Agr. Research, Krishi Bhavan,
New Delhi.
2. Director, I.A.R.I. Pusa, New Delhi.

... Respondents

(By advocate Sh. Manoj Chatterjee with MS
Iyer)

ORDER (ORAL)

(Hon'ble Shri N.V. Krishnan, Vice Chairman (A))

These three cases are taken together as they involve similar issue and it is claimed that these can be disposed of on the same lines ^{as} OA 2414/93. For the purpose of detailed consideration, OA 1495/93 is taken into account. The applicant therein was engaged in Nov., 1985 by the IInd respondent i.e. Indian Agr. Research Institute, Pusa on a casual basis. His services were dispensed in Nov., 1990. He was re-engaged

in 1991 and continued to be employed till 1992. The applicant has filed a consolidated statement of his attendance at Ann.A.2. These indicate that he has actually worked for 40 days and 60 days respectively in the years 1985 and 1986. No such certificate is available from 1986 to 1991 stating that respondents have not given certificates. For 1992, the period comes to 180 days. The applicant seeks his regularisation. It is stated that he has not been considered for appointment though his juniors have been appointed by the respondents. In these circumstances, this OA has been filed to direct the respondents to appoint the applicant on a regular basis in group 'D' post with all consequential benefits.

2. The second respondent has filed a reply stating that the applicant was engaged as daily paid labourer and was discharged after the specific job on which he was engaged was finalised job. It is stated in para 4.10 of the reply as follows:-

" that the contents of paragraph 4.10. are totally wrong and hence denied. It is absolutely wrong to say that the respondents have obtained a list of new candidates from Employment Exchange and recruited outsiders and juniors in preference to the applicant as alleged. The respondent - Institute has been maintaining a list of the Daily Paid Labourers who has completed 240 days of engagement in the Institute and the Institute had been engaging those Daily Paid Labourers

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in preference to the Daily Paid Labourers sponsored by Employment Exchange. However, now the Institute is preparing a comprehensive list of Daily Paid Labourers who have worked with the respondents and is engaging those Daily Paid labourers in preference to the juniors and outsiders.

The Respondents-Institute in pursuance to the response to their circular of October, 92 has prepared a tentative list of Daily Paid Labourers to engage them as and when required. However, the Respondent-Institute is issuing a public notice and calling upon all the Daily Paid Labourers to register themselves alongwith their previous engagement particulars so as prepare a final and comprehensive list for future engagement. A copy of the Daily Paid Labourers who have completed 240 days and a tentative list of Daily Paid Labourers who have responded to the circular dated 31.10.92 is enclosed herewith as Ann.R.1 (Collectively). The applicant who registered his name with the answering respondent in response to the said circular has been placed in the above said provisional list at sl.No.280 (sic - 295) The applicant shall be engaged as and when need arises as per his position in the seniority list."

3. The applicant has not been engaged for 240 days in any one year and therefore, his name is not included in the first list which shows the names of Daily Paid Labourers who has put in 240 days in one year (Ann.R.1) In the IIInd list, the names of the D.P.L.(s) who have obtained order from the court are shown. The third list shows the names of the Daily Paid Labourers who have

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submitted the certificates, though they have not ^e ~~been~~ worked for 240 days in any one year. The applicant's name appear at Sl.No.295. Therefore, this application can be disposed with suitable directions to the respondents.

4. Before that is done, it is necessary to state that in OA No. 1515/93, the applicant is similarly situated. His name also appears at Sl.No.120. Likewise, the name of the applicant in OA No. 1540/93 figures at sl.No.152.

5. All these applicants are entitled to directions to the respondents as 2414/93. Accordingly these applications are disposed of with the following directions :-

- i). We notice that the names of these applicants have been entered in the third list prepared by the respondents (Ann.R.1) i.e. list of persons who have submitted their experience certificate but not completed 240 days in any one year. These applicants are therefore, entitled to be engaged on casual basis, in case, the need for such engage arises, in preference to those who have rendered less total service as a casual labourers than them.
- ii) In case the respondents consider the question of regularisation of persons who have been engaged for 240 days, but not in one year, the case of the applicants for regularisations should also be considered on that basis, according to

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their turns based on their seniority reckoned on the basis of the total number of days worked by them as casual labourers.

6. O.A. is disposed of with the above direction.

No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

Sk

N.V. Krishnan
6.7.84
(N.V. Krishnan)
Vice Chairman(A)