

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 1541/1993

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New Delhi, this 8th day of June, 1994

Shri N.V.Krishnan, Hon'ble VC(A)
Shri C.J. Roy, Hon'ble Member(J)

Shri Surinder Mahto
s/o Shri Jaden Mahto
1-35, Chidia Colony
PUSA, New Delhi-12 .. Applicant
By Advocate late Shri K.L. Bhatia

Versus

Union of India, through

1. Director General, ICAR
Krishi Bhawan, New Delhi
2. Director, IARI
Pusa Road, New Delhi-12 .. Respondents

By Advocates Ms. K. Iyer & Shri Manoj Chatterjee

O R D E R (oral)

(By Shri N.V.Krishnan, Hon'ble VC(A)

The applicant was a casual labourer under the second respondent. He claims regularisation against a Group D post with all consequential benefits.

Alongwith the OA, he has submitted his identity card and particulars of the period during which he has been engaged. It is seen that in the calender year 1990 he has worked for 42 days, in the calender year 1991 he has worked for 171 days and in the calender year 1992 he has worked for 77 days.

2. The respondents have filed their reply stating that, in the first instance, only those daily paid labourers who have been engaged and who have worked for 240 days in a year will be considered. Names of such persons have been mentioned in Annexure R-1 and they are being engaged as and when their turn comes. They are also regularized as and when vacancies arise according to their turn.

3. There is also a second list containing the names of a few persons in respect of whom special directions have been received from various courts and they are being engaged in pursuance of the direction. In so far as others are concerned, they are not entitled to be considered for regularization until they work for 240 days in a year. However, a list of such persons is also maintained and if no person who has rendered 240 days service is available for engagement, persons mentioned in this third list are engaged according to their seniority. It is, therefore, mentioned that the applicant is only entitled to have his name entered in this list and he should await his turn for regularization. His name is already at Sl.No.240 of the list.

4. Having heard the counsel for the respondents and perused the records, we are satisfied that the applicant's prayer for immediate regularization can not be granted, for he does not qualify for such regularization. In the circumstances, we are of the view that the OA be disposed of with the following directions to the respondents and we do so accordingly:

- i) We notice that the applicant's name is already at serial No.240 in the third list, i.e. of those who have filed experience certificate but have not rendered 240 days' service in one year. The applicant is, therefore, entitled to be engaged on a casual basis, in case the need for such engagement arises, in preference to those who have rendered less total service than him as a casual labourer, i.e. according to his turn.

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ii) In case the respondents consider the question of regularization of persons who have worked for 240 days, but not in one year, the case of the applicant for regularization should also be considered on that basis according to his turn based on his seniority reckoned on the basis of the total number of days worked by him.

5. The O.A. is disposed of as above, with no order as to costs.

(C.J. Roy)
(C.J. Roy)
Member (J)

N.V. Krishnan
8/6/54
(N.V. Krishnan)
Vice-Chairman (A)

/tvg/