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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.1700/93

Date of decision: 21.10.1993.

Shri Raj Pal Singh

...Applicant

Versus

Union of India & Ors.

...Respondents

Coram: The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman
The Hon'ble Mr. B.N. Dhoundiyal, Member (A)

For the applicant

Shri S.S. Tewari, Counsel.

For the respondents

Shri P.P. Khurana, Counsel.

Judgement(Oral)
(Hon'ble Mr. Justice S.K. Dhaon)

The principal relief in this O.A. is that the respondents may be directed to consider the case of the petitioner for regularisation of his services as casual worker.

2. Counter-affidavit has been filed on behalf of the respondents. Learned counsel for the parties have been heard.

3. The petitioner relies on an office memorandum dated 10.09.93 issued by the Ministry of Personnel, Government of India whereby a scheme known as "Casual Labourers (Govt. of India) 1993" has been prepared. This scheme will come into force w.e.f. 1.9.1993.

4. It is admitted in the counter-affidavit that prima facie the petitioner fulfils the requirements of sub-para(i) of para 4 of the said scheme. However, Shri P.P. Khurana contends that this scheme will not ^{be} applicable to the case of seasonal casual workers. Since this scheme has recently been enforced, the authority concerned in the department had no opportunity to consider the case of the petitioner in accordance with the said scheme. This shall be done now. The officer concerned shall consider the case of the petitioner in the light of the said

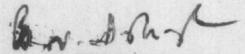
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scheme. If he feels that the petitioner is not entitled to the benefit of the scheme, he shall give reasons in support of the order. He shall pass the necessary order within six weeks from the date of receipt of a certified copy of this order from the petitioner.

5. In case it is found that the petitioner is not entitled to the benefit of the scheme, the petitioner would be entitled to be considered for fresh appointment on merits and in accordance with law alongwith others, as and when vacancy occurs for the post of a casual worker. If the petitioner had already been sponsored by the employment exchange it will not be necessary for him to be sponsored again. However, the petitioner should be vigilant enough to make an application within time as and when the respondents make an appointment of a casual worker. We make it clear that it will not be incumbent on the respondents to consider the case of the petitioner on their own unless he is sponsored by the employment exchange.

6. With these directions this application is disposed of finally. No costs.


(B.N. DHOUDIYAL)
Member(A)


(S.K. BHAON)
Vice-Chairman

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