

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-2061/93
MP-3066/93

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New Delhi this the 16th Day of December, 1994.

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

Shri Zile Singh,
S/o Sh. Leela Ram,
C/o Sh. Ant Lal,
Advocate,
C-21(B), New Multan Nagar,
Delhi-56. Applicant

(through Sh. Sant Lal, advocate)

versus

1. The Union of India,
through the Secretary,
Ministry of Communication,
Department of Posts,
Dak Bhawan,
New Delhi-1.
2. The Sr. Supdt. of Post Offices,
Faridabad, Faridabad Division,
Faridabad.
3. The Senior Postmaster,
Faridabad Head Post Office,
Faridabad. Respondents

(through Sh. M.M. Sudan, advocate)

ORDER(ORAL)
delivered by Hon'ble Mr. Justice S.K. Dhaon, V.C.(J)

The applicant alleges himself to be a casual labour. He has come to this Tribunal with the allegation that his services were terminated by an oral order w.e.f. 13.2.1993. The prayer, in substance, is that the order of termination may be quashed. The other prayer, in substance, is that the respondents may be directed to regularise the services of the applicant in accordance with the Scheme prepared by them.

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Affidavits have been exchanged between the parties. Even a supplementary rejoinder-affidavit has been filed by the applicant. The learned counsel for the respondents states that he has been instructed to inform the Tribunal that the averments made in the supplementary rejoinder-affidavit are correct.

The material averments in the supplementary rejoinder-affidavit are these. During the years 1988-1989, 1991-1992 and 1992-1993, the applicant rendered service to the respondents for 243 days, 316 days and 307 days respectively. It appears to be an admitted position that in the month of February, 1993, the applicant rendered service to the respondents for a period of 10 days. Thereafter, his services were done away with.

No justification is forthcoming for terminating the services of the applicant abruptly and even without a written order.

The learned counsel for the respondents tried to salvage the situation by raising the plea that the applicant in fact was not employed as casual labour but as a substitute. We have already indicated that the applicant was employed by the respondents and the respondents took work from him on number of occasions. In these circumstances, we failed to understand the distinction between a substitute and a casual labour. We are of the opinion that the applicant should be treated as a casual labour and his

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services may be regularised in accordance with the Scheme which has been prepared by the respondents. We are also of the opinion that the order terminating the services of the applicant is not sustainable.

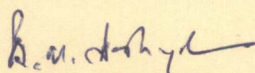
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We, therefore, dispose of the O.A. with the following directions:-


(i) The order terminating the services of the applicant w.e.f. 13.2.93 is quashed. The applicant shall be reinstated in service. However, we issue no direction with regard to the payment of back wages. It is made clear that there shall be no break in the service of the applicant on account of the order termination.

(ii) If the applicant is reinstated in service, the relevant authority shall consider his case for regularisation in the light of the Scheme already prepared by the department.

(iii) There shall be no order as to costs.


(B.N. Dhoundiyal)

Member(A)


(S.K. Dhaon)

Vice-Chairman

/vv/