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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA.2139 of 1993

Dated New Delhi, this the 26th day of July, 1994

Hon'ble Shri J. P. Sharma, Member(J)

Hon'ble Shri B. K. Singh, Member(A)

Shri Chandeswar Rajat
R/o E-63, I.A.R.I., Pusa
NEW DELHI-12.

... Applicant

By Advocate: None

VERSUS

Union of India through

1. The Secretary
Ministry of Agriculture
Deptt. of Agri. Research & Education
NEW DELHI-110 001.

2. The Director General
Indian Council of Agricultural
Research, Krishi Bhawan
NEW DELHI-110 001.

3. The Director
Indian Agricultural Research
Institute, Pusa
NEW DELHI-110 012

... Respondents

By Advocate: Shri Manoj Chatterjee

O R D E R
(Oral)

Shri J. P. Sharma, M(J)

The applicant was engaged as a casual labour with the I.A.R.I. on the job requirement, but he had been ceased from service with effect from May, 1992. Thereafter, the applicant filed this OA in October, 1993, after making due representations to the respondents, praying for the grant of following reliefs:-

- "(i) THAT the applicant may be allowed to continue in service without any break and his service may not be terminated as there is no reduction of work or abolition of posts.

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- (ii) THAT the Respondents may be directed to appoint the applicant on regular basis against Group 'D' post with all consequential benefits.
- (iii) THAT the Applicant may be paid salary and allowances on regular basis of Rs.750-950 as is being given to Group 'D' employees of the Respondents No.3 working under them.
- (iv) Such other relief as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- (v) To award the cost of the proceedings."

2. The respondents contested this application and opposed the grant of reliefs as prayed by the applicant, and stated that the applicant has not completed 240 days of working with them and was engaged on 9.4.87 when he worked for sometime and at intervals. He was engaged on the basis of job requirements. The respondents have finally drawn a list showing the casual labourers who had put in 240 days and a tentative list of Daily Paid Labourers in response to circular of October, 1992. The name of the applicant in the category of those who have not completed 240 days, is at Sl.No.124 (Annexure R-1 Page.41). Thus, it is stated that the applicant cannot be regularised.

3. Unfortunately, the applicant's counsel expired during the pendency of the case. We have issued notices to the applicant time and again and the applicant also appeared in person on 24.5.94. But none is present to-day on behalf of the applicant.

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The learned counsel for the respondents has reiterated the averments made in the counter supplementing the same by Annexure R-1 annexed with the reply and referred to paragraph-4 of the counter reply where it is said that after preparation of a comprehensive seniority list of Daily Paid Labourers, they shall be engaged as per their seniority as Daily Paid Labourers in the event of vacancies arising in various Divisions of the Respondent Institute. Since no rejoinder has been filed by the applicant, though the counsel for the respondents appears to have been furnished a copy of the same. In the event of rejoinder not being on record, that cannot be referred to. In any case, the direction we are issuing hereinafter would not require a further probe into the matter in view of the fact that the respondents have drawn a scheme exhibited by enlistment of working Daily Paid Labourers as per their seniority. That seniority has not been challenged. If a casual labour continued to work on job requirement, next time for that particular job only those will have a right to be called who have put in larger number of days of service with the respondents. In view of this and a categorical ^{made} averment in the reply, the applicant will be called as and when there is job requirement as per his turn in accordance with Sl. No. shown in Annexure R-1.

4. It is also expected from the respondents that when there is a vacancy ^{available} in Group 'D' post and as per the scheme and the line of action averred in the


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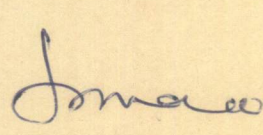
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counter, the applicant shall be considered for any such post in his turn as per his seniority according to the extent instructions by the Institute on the point.

5. The application, therefore, is disposed of with the direction to the respondents to give engagement to the applicant as and when there is job requirement, by calling him at his last known address registered with them, in order of seniority as shown in Annexure R-1 and the applicant shall be informed by registered acknowledgement due. He shall also be considered in his own turn for Group 'D' post as and when vacancy arises and if he qualifies by virtue of his personal and professional ability in discharging the work assigned to him during his engagement as a casual labour.

In the circumstances, parties to bear their own costs.


(B. K. Singh)
Member (A)


(J. P. Sharma)
Member (J)

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