

(90)

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.923/93

New Delhi this the 5th Day of May, 1994.

Sh. N.V. Krishnan, Vice-Chairman (A)
Shri C.J. Roy, Member (J)

Bichuttra Singh,
D-1, Ghanta Ghar,
Rashtrapati Bhavan,
New Delhi-110 004.

...Applicant

(By Advocate Sh. A.K. Bhardwaj)

Versus

Union of India through:

1. The Secretary,
Ministry of Information
and Broadcasting,
Mandi House, New Delhi.
2. The Director,
Central Production Centre,
Doordarshan, Asiad Village,
New Delhi-49.
3. The Deputy Director,
Central Production Centre,
Doordarshan, Asiad Villiage,
New Delhi-49.

...Respondents

(By Advocate Sh. M.L. Verma)

ORDER (Oral)

Mr. N.V. Krishnan:

The applicant was engaged by respondents 2 and 3 on a casual basis as a Carpenter. He gives in para 4.3 of the application the details of the total number of days worked by him during the years from 1989 to 1993. From 1989 to 1992 he has worked 120 days or more for each year. It is stated that the applicant was finally engaged as a Floor Assistant from 1.1.93 to 22.3.93 but the respondents are not engaging the services of the applicant but are engaging the services of juniors. The applicant points out that the OM dated 10.6.92 has been issued which contemplates absorption of casual workers who have completed 120 days' service in one calendar year. In this background the applicant has prayed for a direction to the respondents to continue

him as casual Floor Assistant as earlier and to direct the respondents to appoint him as a Floor Assistant on a regular basis with all consequential benefits.

2. In reply to the O.A. the respondents have stated that there is no vacant post at present with the respondents and hence the applicant cannot be regularised. It is admitted that the applicant is eligible to be considered under the Scheme for regularisation dated 9.6.92 issued by the Department (Annexure-I) in his turn. It is stated that the eligible and the senior Artists have all been regularised against the vacant posts under the Annexure-I Scheme that there is no casual work at present and hence the applicant cannot be engaged. In so far as the applicant's grievance in regard to the engagement of certain junior persons viz. Sanjeev Mathur, Rajest Kumar etc. are concerned, the respondents state that they had to be engaged in pursuance of a final order in OA-839/90.

3. We have heard the parties and perused the records. Admittedly, the Scheme prepared on 9.6.92 (Annexure-I) contemplates regularisation when regular vacancies become available. That naturally would be done according to the turn of the applicant depending on his place in the seniority list and work for which he was engaged. For, it is stated in para-3 of the Scheme that there would be separate eligibility panels for different category of posts Kendrawise depending upon the length of service of the casual Artists. The regularisation will be done in the same Kendra.

4. Therefore, the applicant's prayer for immediate regularisation cannot be accepted.

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5. The applicant contends that in pursuance of the interim order which was issued on 9.11.93 directing the respondents to engage the applicant for 10 days in a month on a casual basis in case his juniors are engaged by them he has been engaged. The learned counsel for the applicant states that the applicant has been so engaged and he is getting the wages for 10 days in a month. The learned counsel for the respondents, however, contends that there is no work for casual labour at all and, therefore, his contention is that the applicant is not being engaged because there is no casual work available. The applicant has no grievance in this regard. He prays that until he is regularised according to his turn, a suitable direction be given to the respondents.

6. We have heard the parties. In so far as this prayer is concerned, we are of the view that it is sufficient if a direction is given to the respondents to ^{Consider} ~~engage~~ the applicant also in the trade or art in which he was engaged earlier, in case the persons having lesser length of service than the applicant are ^{it to be} engaged on a casual basis in that trade or art.

7. In this view of the matter, we dispose of this O.A. with the following directions/orders:-

- i) The case of the applicant for regularisation shall be considered by the respondents under the Scheme enclosed with the Annexure-I memorandum dated 9.6.92 in accordance with his turn and according to the provisions of the Scheme.
- ii) In the meanwhile, in case the respondents find need to engage casual workers in the trade or art in which the applicant was engaged earlier, the case of the applicant for engagement

in the trade or art shall also be considered by the respondents in preference to persons who have worked for a lesser number of days than the applicant.

8. The O.A. is disposed of as above. No costs.

just for
(C.J. Roy)
Member(J)

Sanju.

[Signature]
5.5.84
(N.V. Krishnan)
Vice-Chairman