

Open Court**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.****ORIGINAL APPLICATION NO. 1208 OF 2005.**THIS THE 10TH DAY OF OCTOBER, 2005.HON'BLE MR. K.B.S. RAJAN, MEMBER-J

1. Suresh Chandra, S/o Bhagwan Singh
2. Tinkoo, S/o Sri Udai Bhan Singh.
3. Ram Babu Kushwaha, S/o Sri Bhuri Singh.
4. Deen Dayal, S/o Shri Bhuri Singh.
5. Dalveer Singh, S/o Sri Ram Veer Singh.
6. Ram Singh, S/o Sri Sohan Singh.
7. Satish Singh Jadon, S/o Sri Kaptan Singh Jadon.
8. Joni, S/o Sri Babu Lal.
9. Vinay Kumar, S/o Sri Ram Veer Singh.
10. Danveer, S/o Sri Beeri Singh.
11. Mukesh, S/o Sri Phool Singh.

Applicants.

By Advocate : Sri Rakesh Verma

Versus.

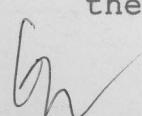
1. Union of India through the Secretary, Ministry of HRD, Department of Culture, Department of Culture, Shastri Bhawan, New Delhi.
2. The Director General, Archeological Survey of India, Janpath, New Delhi.
3. The Chief of Horticulture, Archeological Survey of India, Tajganj, Agra.
4. The Deputy Supdt. Horticulture, Archeological Survey of India, Tajmahal, Agra.

Respondents

By Advocate :

ORDER

Applicants till recently working as casual labourers are stated to have been ^{the} ~~re~~ engaged by the respondents, with a view to ^{be} ~~take~~ in fresh hands of ^{the} ~~the~~ the same status. Applicants have therefore prayed



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for a direction to the respondents to reengage them.

With a view to inform the respondents about the law relating to engagement of casual labour and their regularization, it is worth reproducing the law on the subject as spelt out by the Apex Court in the case of *State of Haryana v. Piara Singh*, (1992) 4 SCC 118:-

44. Before parting with this case, we think it appropriate to say a few words concerning the issue of regularization of ad hoc/temporary employees in government service.

45. The normal rule, of course, is regular recruitment through the prescribed agency but exigencies of administration may sometimes call for an ad hoc or temporary appointment to be made. In such a situation, effort should always be to replace such an ad hoc/temporary employee by a regularly selected employee as early as possible. Such a temporary employee may also compete along with others for such regular selection/appointment. If he gets selected, well and good, but if he does not, he must give way to the regularly selected candidate. The appointment of the regularly selected candidate cannot be withheld or kept in abeyance for the sake of such an ad hoc/temporary employee.

46. Secondly, an ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee; he must be replaced only by a regularly selected employee. This is necessary to avoid arbitrary action on the part of the appointing authority.

47. Thirdly, even where an ad hoc or temporary employment is necessitated on account of the exigencies of administration, he should ordinarily be drawn from the employment exchange unless it cannot brook delay in which case the pressing cause must be stated on the file. If no candidate is available or is not sponsored by the employment exchange, some appropriate method consistent with the requirements of Article 16 should be followed. In other words, there must be a notice published in the appropriate manner calling for applications and all those who apply in response thereto should be considered fairly.

48. An unqualified person ought to be appointed only when qualified persons are not available through the above processes.

49. If for any reason, an ad hoc or temporary employee is continued for a fairly long spell, the authorities must consider his case for regularization provided he is eligible and qualified according to the rules and his service record is satisfactory and his

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appointment does not run counter to the reservation policy of the State.

(Emphasis supplied).

2. This application could well be disposed of, at the very threshold stage, without calling the respondents to file their counter, but with the direction that the respondents, while engaging casual labourers for the existing or future work of casual nature, shall keep in view the law laid down by the Apex Court, as extracted above, with particular reference to para 46. Re-engagement of the applicants as casual labourers is, of course, subject to their satisfactory performance. It is accordingly ordered.

3. As regards representation on behalf of the respondents, a separate order shall be ordered which is ~~an~~ independent of the present order.

4. In the above terms, the O.A. stands disposed of with no order as to costs.



Member-J

Girish/-