



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.6519/2020
SWP No. 2174/2019

Order Reserved on: 20.07.2021
Order Pronounced on: 26.07.2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Shahjehan Rather Aged about 48 years,
S/o Abdul Gani Rather,
R/o Kashtavar Darchain Janikipora,
At present Raj Bagh, Srinagar.
2. Abdul Hamid Sheikh, Aged about 49 years
S/o Abdul Rehman Sheikh,
R/o Noorpora, Tral Kashmir.
3. Abdul Rashid Hajam, Aged about 48 years
S/o Abdul Gani Hajam,
R/o Malbagh Hazrat, Kashmir.
4. Abdul Rashid Mir, Aged about 47 years
S/o Gulam Hassan Mir,
R/o Gopal Pora, Anantnag.
5. Aijaz Ahmed Mir, Aged about 45 years
S/o Muhammad Syed-Ullah Mir
R/o Anantnag.
6. Bashir Ahmed Khatana, Aged about 47 years
S/o Muhammad Khatana,
R/o Pulwama, Kashmir.
7. Haminder Singh, Aged about 40 years
S/o late Balwinder Singh,
R/o Haft Chinar, Srinagar,
8. Javid Ahmed Dhobi, Aged about 42 years
S/o Abdul Aziz Dhobi,
R/o Shalimar Srinagar.



9. Jetinder Pal Singh, Aged about 47 years
S/o Late Inder Singh,
R/o Kanspora, Baramulla, Kashmir.
10. Kaunsar Jameela, Aged about 46 years
S/o Abdul Samad Zargar,
R/o Hawal, Srinagar.
11. Mohammad Shaban, Aged about 48 years
S/o Ghulam Mohammad Wani,
R/o Brane Nishat, Srinagar.
12. Mohammad Shafi Dar, Aged about 48 years
S/o M.A. Dar,
R/o Anchudora, Anantnag.
13. Muhammand Yousuf Wani, Aged about 45 years
S/o Abdul Rashid Wani,
R/o Kishtwar, At present Srinagar.
14. Mushtaq Ahmed Ghassi Aged about 47 years
S/o Mohammad Ramzan Ghassi,
R/o Zero Bridge Srinagar.
15. Nissar Ahmed Bhat, Aged about 49 years
S/o Mohammad Shaban Bhat,
R/o Bota Kadal, Srinagar.
16. Parveena Akhter, Aged about 47 years
D/o Muhammad Yousuf Najar,
R/o Nawa Kadal Srinagar.
17. Sheikh Reyaz Ahmed, Aged about 43 years
S/o Late Ghulam Hassan,
R/o Brane Nishat, Srinagar.
18. Tejinder Pal Singh, Aged about 44 years
S/o S. Dheeraj Singh,
R/o Tral Kashmir.
19. Niyaz Ahmed Bhat, Aged about 43 years
S/o Muhammad Sultan Bhat,
R/o Ahmada Kadal, Srinagar.
20. Mushtaq Ahmed Rather, Aged about 45 years
S/o Muhammad Kamal Rather,
R/o Chadoora, Budgam.



21. Shabir Ahmed Bhat, Aged about 44 years
S/o Abdul Qudus Bhat, R/o Anantnag.
22. Shaheena Gani, Aged about 44 years
S/o Abdul Gani Khan,
R/o Sakidafar, Srinagar.
23. Javid Ahmed Sofi, Aged about 42 years
S/o Abdul Rashid Sofi,
R/o Bemina Srinagar.
24. Aijaz Ahmed Bhat, Aged about 42 years
S/o Bashir Ahmed Bhat,
R/o Sonwarbagh, Srinagar.
25. Tariq Ahmed Tantray, Aged about 42 years
S/o Ghulam Ahmed Tantray,
R/o Dachan Kishtwar, At present Srinagar.
26. Mehraj-ud-Din Malla, Aged about 42 years
S/o Ghulam Hassan Malla,
R/o Bagyas Chattabal, Srinagar.

....Applicants

(By Advocate: Mr. R.A. Jan)

Versus

1. Union of India, through Secretary to Government,
Ministry of Information and Broadcasting Service
Shashtri Bhawan, New Delhi.
2. Secretary to Government of India, Information and
Broadcasting Department New Delhi figuring.
3. Prasar Bharati Broadcasting Corporation of India,
Doordarshan through its Chief Executive Officer (CEO)
PTI Building, Parliament Street New Delhi.
4. Director General Doordarshan Mandi House New Delhi
5. Deputy Director General Administration (Admn),Mandi
House, New Delhi.
6. Director Doordarshan Kendra, Srinagar.
7. Superintending Engineer Doordarshan Kendra
Srinagar.

... Respondents

(By Advocates: Mr. Amit Gupta and Mr. S.N. Ratan Puri)



ORDER

Justice L. Narasimha Reddy:

In a way it can be said that this is the fifth round of litigation by the applicants herein in pursuit of the remedies against the respondents herein.

2. The applicant were engaged as casual labourers in the year 2001 by Doordarshan Kendra Srinagar. They were dis-engaged in the year 2004 along with many others. SWP No. 217/2007 was filed before the Hon'ble High Court of Jammu and Kashmir, challenging their disengagement. That was transferred to the Chandigarh Bench of the Central Administrative Tribunal and re-numbered as TA No.1.JK.2008. It was disposed of on 18.03.2008, directing that in case the respondents take a policy decision in future in respect of casual labourers and if case of the applicants are covered by that, the benefit of the same shall be extended to them.

3. Complaining that no action was taken on the order, the applicants filed SWP No. 319/2010 before the Hon'ble High Court of Jammu and Kashmir. That was disposed of on 22.10.2011, once again directing that the cases of the applicants for their re-engagement shall be considered and appropriate orders be passed within four weeks. Stating to be in compliance with the said order, the respondents passed an order dated 21.12.2011. Not satisfied with that, the applicants filed SWP No.1373/2011. That was disposed of in terms of



the order dated 22.10.2011 passed in SWP No.319/2010. At this stage, the applicants initiated contempt proceedings.

4. The Hon'ble High Court dismissed the same, leaving it open to the applicants to challenge the resultant order dated 17.05.2012, wherein the respondents indicated certain arrangements for re-engagement of the 16 casual labourers. Challenging that order, the applicants filed SWP No. 140/2012, seeking a direction to the respondents to extend them the benefit on par with others similarly situated employees. That was disposed of on 03.02.2012, directing the respondents to accord consideration to the applicants for re-engagement in accordance with rules. A speaking order was passed on 07.03.2012, indicating as to how the request of the applicant cannot be considered. That was challenged in SWP No.892/2012. It was disposed of on 28.05.2013, directing the respondents to accord fresh consideration to the applicants' case. Complaining non-compliance of the order dated 28.05.2013 in SWP No. 892/2012, the contempt proceedings were initiated. On 13.05.2011, the respondents were directed to place on record, fresh affidavit proposed to be filed, about consideration of the applicants' case. The contempt proceedings ensued and thereafter, LPA and review application. All of them were disposed of on 13.11.2018.

5. The applicants contend that the view taken by the respondents that the casual labourers would be taken in his service only whenever work exists, cannot be countenanced in law. They submit that



hundreds of employees, who were also disengaged, were taken into service from time to time and discriminatory treatment is being accorded to the applicants despite their repeatedly approaching the Hon'ble High Court.

6. The respondents passed order stating that the casual labourers will be taken into service only when work exists. That stand was reiterated in subsequent letters also.

7. The applicants filed SWP No. 2174/2019 before the Hon'ble High Court of Jammu and Kashmir, challenging the said proceedings and for direction to the respondents to consider their case for re-engagement as casual labourers.

8. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that by its very nature, the engagement of casual labourers would depend upon existence of work, and the applicants cannot insist on being engaged even if there does not exist any work. They contend that the directions issued by the Hon'ble High Court of Jammu and Kashmir from time to time are complied with and more than once, the Hon'ble High Court held that there was no contempt on the part of the respondents and despite that, Writ Petitions are being filed one after another.

9. The SWP has since been transferred to the Tribunal in view of re-organization of State of Jammu & Kashmir and renumbered as TA No.6519/2020.



10. Today, we heard the arguments of Mr. R.A. Jan learned counsel for the applicants and Mr. Amit Gupta and Mr. S.N. Ratan Puri, learned counsel for the respondents, in detail.

11. Rarely, we come across the pursuit of remedies with such amount of perseverance. We can understand the anxiety of the applicants they services were disengaged in the year 2004 as casual labourers. In several rounds of litigation, the only relief granted by the Hon'ble High Court was that the case of the applicants be considered in accordance with the extant policy. The direction issued in each of the Writ Petition resulted in passing of an order, and that in turn was being challenged in the successive writ petitions. Almost for four times, the exercise was repeated.

12. The respondents were consistent in their stand that the occasion to engage the applicants would arisen only when there exists work. Though certain harsh steps were initiated at some stages in the contempt proceedings, ultimately they resulted in closure, on finding that there was no contempt on the part of the respondents. If we examine the orders passed by the respondents for the past one and half decades, it is clearly evident that they are consistent in their stand. Except that similar directions were reiterated, the Hon'ble High Court did not find fault with the respondents. The applicants are not able to point out that any person, who is junior to them, was engaged or that in inspite of existence of work, they are not being taken into service.



8. We do not find any merit in the TA. It is accordingly dismissed.
There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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