

IN THE CENTRAL ADMINISTRATIVE TREATMENT, ALLAHABAD BENCH

Registration C.A.No. 1005 of 1987

V.K.Agaria

....

Applicant

Vs.

Union of India & Others ....

Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. A.B. Garghi, Member (A)

(By Hon. Mr. Justice U.C.Srivastava, V.C.)

By means of this application the applicant has claimed that he was appointed as Casual Labour under the Conservative Assistant Jhansi, which is under the Archaeological Survey of India on 1.12.1979 and he worked at Jhansi and Fort Talbehat District Lalitpur since 1.12.79 upto 31.8.85. From January, 1 1982 to 31.8.85 he worked on regular basis and there was no break in his service, and he worked for 3 years and eight months continuously without any break. After the transfer of Talbehat Fort from Agra Circle to Bhopal circle, the applicant was sent to Bhopal. The applicant went to Bhopal from where he was directed to report to Agra Circle, which the applicant did and he was allowed to work at Agra from 23.12.85 to 12.6.86 as Supervisor and Beldar at Taj Mahal. On 12.6.86 the applicant was informed that his services are no longer required and he should not come on duty thereafter.

2. The applicant's grievance is that the principle of 'last come first go' was not followed and those who were taken as Casual Labour much after the appointment of the applicant were absorbed and regularised.

3. The respondents have refuted the claim of the applicant and have stated that the applicant was only engaged as a daily-waged casual labour for a short duration and was not regular casual labour as has been claimed by him in the application. Though it has been admitted by them that he has been working for the last several years with broken period but only as a Beldar. The respondents have also admitted that the daily waged casuals are also granted ad-hoc bonus at the rates and conditions laid down by Government

of India. There is no denial of the fact that from 1986 onward the applicant was out of service, but from 1987 he was taken back, in the same position and till then he was working as such. Regarding the averments made by the applicant that the juniors have been absorbed and regularised it has been stated by the respondents that they belongs to different circle, and the applicant was also offered another circle but the applicant himself refused. For which there is no proof on record and the applicant also denied it.

4. It appears that sometimes circle wise and sometimes All India Wise the cases for these Casual Labour and Beldars were considered for regularisation and absorption. But no fixed policy in respect of the same has yet been laid down. There appears to be grain of truth in the averments made by the applicant that the juniors were regularised earlier, although they were working in the other circle. It is not a case of the respondents that the applicant refused to work in any other circle and all the time he stayed at Jhansi and wanted to stay at Jhansi, in as much as he worked at Agra, Bhopal & Talchhat also. As there was discontinuity in the applicant's service <sup>he</sup> may not get benefit of the same. But taking into consideration that the applicant is working from the year 1979 and the work has been taken from him upto the year 1986, and from 1987 the work is being taken from him, the respondents are directed to consider his case for regularisation taking into consideration not only the earlier period but the subsequent period since then he is continuously working. In case any person who started working as Beldar or Casual Labour subsequent to the appointment of the applicant has been regularised even in the earlier period or in the subsequent period, the applicant shall also be regularised, and in the matter of absorption and regularisation he should be given priority and preference over his juniors. The application stands disposed of finally in these terms. No order as to costs.

Member (A)

Vice-Chairman.

21st January, 1992, Alld.  
(sph)