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THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH- ALLAHABAD.

O.A. NO. 1262 of 1988.

1. Anuj Kumar &
2. Dilip Kumar..... Applicants. 6

Versus

The Union of India and one another..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava- V.C.
Hon'ble Mr. K. Chayya -A.M.

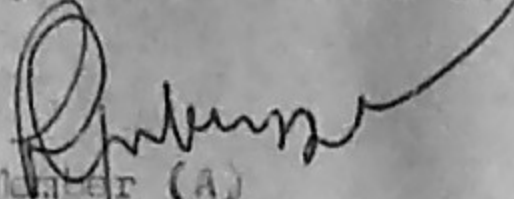
(By Hon'ble Mr. Justice U.C. Srivastava- V.C.)

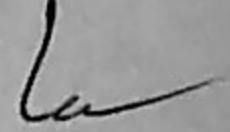
The applicant no. 1 was engaged on 1st June, 1990 and the applicant no. 2 was engaged on 1st December, 1990 as Casual Labour and it appears that since then they have been working in the Department off and on with breaks and both of them have been working for more than 440 and 457 days respectively. Abruptly instead of regularising their service in pursuance of the Supreme Court direction, their service were terminated on 3.11.87 and 31.12.87 orally. According to the applicants, the Supreme Court in the case of Daily rated Casual labour employee in Bhartiya Dak Tar. Mazdoor Manch Vs. U.O. I., directed the respondents to absorb the Casual Labours who have been continuously working for more than one year. This direction was given vide judgment dated 27.10.87. Feeling aggrieved the applicants have approached this Tribunal praying relief against this termination order, and praying for their absorption. The respondents have this application and has stated that in pursuance of the Supreme Court decision referred to above, a scheme has been framed, the benefit of which will go only to those who were appointed prior to 1.4.90 and the applicants were appointed subsequently and not before that date and as such the benefit of this judgment would not be available, may be so after exhausting the list of those who were appointed before 1.4.90. There appears no reason why the cases of those who were employed in that very year after that date will not be considered for absorption as and when their turn comes by virtue of the seniority. Their cases for giving employment on Casual basis should have been considered as excluding the new comers were not to be appointed and accordingly the respondents are directed to give employment to the applicant again taking into consideration the position of

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seniority and also consider their case for absorption as and when their turn comes taking into consideration the period served by them. No order as to the costs.


Member (A)
Sept 7, 1992.
(DPS)


Vice Chairman.