

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 8th day of November, 2000
Original Application No.1696 of 1992

CORAM :-

Hon'ble Mr. Rafiquddin, J.M.

Hon'ble Mr. S. Biswas, A.M.

Kundan Lal S/o Sri Beni Madhav,
(Ex-casual Labour A.G.U.P., Allahabad)
House No.77/A, Newada, C.S.P. Marg,
Allahabad.

(Sri MK Upadhyaya, Advocate)

.Applicant

Versus

1. Union of India through the
Comptroller and Auditor General of India,
New Delhi.

2. The Principal Accountant General,
Uttar Pradesh, Allahabad.

(Sri Amit Sthalekar, Advocate)

.Respondents

ORDER (U_r_a_1)

By Hon'ble Mr. Rafiquddin, J.M.

The applicant has filed this OA seeking a direction to the respondents to consider him for reengagement and re-appointment him as casual labour/Group 'D' employee, in case he comes within the ambit of regularisation and preference to be given to him over new comers and also for a direction to the respondents to prepare a list of all casual labours yearwise and for giving preference in giving engagement as casual labour^{to} the applicant. The applicant has also sought quashing of the selection proceedings held on 16-11-1992 by respondent no.2.

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2. The case of the applicant in brief is that directions were issued by this Tribunal in OA No.449/1991 - Moti Lal Vs. UOI & Ors on 3-11-1992 to the respondents to prepare seniority list of the casual workers who started working from the year, 1983 taking into consideration the days for which they worked correctly and thereafter to consider the case for re-appointment and absorption as the case may be. This Tribunal in OA No.95 of 1992- Mahendra Kumar Vs. UOI & Ors, vide order dated 16-10-1992 issued direction to the same effect to consider the matter in case the applicant had worked 240 days .

3. The applicant claims that he has worked in the office of respondent no.2 w.e.f. 3-3-1980 to 31-5-1982 and completed 240 days in the year, 1980, 1981 and 140 days in 1982 with broken period. He further claims that he continuously worked with lesser period in 1983. He further worked 278 days between the period April 1984 to April 1985. The applicant also continued to work till 31-12-1986 and completed 240 days under respondent no.2.

4. The grievance of the applicant is that he was not allowed to work from 1-1-1987 by the respondent no.2 on the plea that the work wasnot available whereas juniors were retained and new/fresh hands were engaged. The applicant has filed a number of representations but the respondents refused to receive the same and to consider the same. Hence, he has filed this OA.

5. We have heard counsel for the parties and perused the record.

6. Learned counsel for the respondents on the basis of pleadings has pointed that the case of the applicant could not be considered for regularisation of his service as Group 'D' employee because he did not put in two years

of service as casual worker with 240/204 days in each of the two consecutive calendar years as required by Govt. of India, Ministry of Home Affairs, Deptt. of Personnel & Administrative Reforms O.M. No.49014/19/84-Estt(C) dated 20-10-1984. It is also alleged that the applicant himself left the office finally after 6/1985 on his own accord to get a better livelihood. It is, however, admitted that respondents have prepared a seniority list of casual labours as directed by the ^R ~~Narain~~ Tribunal in the case of Narain Chand and others. Vs. Union of India and others and is engaging casual labours strictly in accordance with their position in the said seniority list and as such casual labours on their completion of 206 days of service in each of the two consecutive calendar years, are being considered for regularisation in Group 'D' cadre.

7. It is thus clear that the only dispute in this case is that the name of the applicant should have also been entered in the seniority list being prepared ^{and maintained} by the respondents as per direction given by this Tribunal. As per record maintained in the office of respondents and as mentioned in Para 4 of the CA, it is clear that the applicant has already completed 256 days in the year, 1983-84. Therefore, the name of the applicant should be included in the seniority list being prepared on the basis of working days put in ~~xxx~~ by the applicant. Besides, from the certificates (Annexures-A-2 & A-3) issued by the office of the respondents, it is clear that the applicant has put in more than 240 days working days. The existence or genuineness of ^R ~~these~~ certificates have not been disputed by the respondents in their CA. Therefore, there is no point to disbelieve this. Therefore, ~~therefore~~ ^R the working days of the applicant are clear. As regards the service

