

Registration O.A.No. 410 of 1992

Ajai Kumar

....

Applicant

Vs.

Union of India & Others

....

Respondents

Hon'ble Mr.S.N.Prasad, Member(J)

(By Hon.Mr.S.N.Prasad, J.M.)

The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying to the effect that the respondents be directed to re-engage him as Casual Labour and give preference over his juniors and the respondents be further directed to call the applicant for screening test for purposes of permanent absorption along with persons whose names are shown in the order dated 16.8.1988. (Annexure-A⁵). Briefly stated the facts of this case inter-alia are that the applicant was engaged by the respondents as Semi-Skilled Casual Labour on 13.3.1978 and thereafter he worked intermitantly upto 5.10.1984 and his work was always found satisfactory. The applicant was also issued a Casual Labour Card No.170752 by the respondents wherein complete record of ~~his~~ service has been maintained. It is ~~shown~~ ^{further stated} that the applicant had worked for 633½ days and the gaps ^{between} ~~within~~ the period ^{during} which he worked were artificial breaks with a view to deprive the applicant of his temporary status or other benefits which might have ^{accrued} ~~approved~~ to the applicant otherwise.

2. The main grievance of the applicant appears to be that Shri Mohd.Kalim and K.K.Nicam and some others who

had worked less than the days during which the applicant had worked as specified above were called for screening test in the year 1988 regarding regularisation and absorption vide Annexure-A5. It has further been stated that Shri Ram Avadh and Lal Mani are at serial number 14 and 15 respectively in the list prepared by the respondents vide Annexure-A7 and the name of the applicant finds place at serial number 6 in that very list and the aforesaid Ram Lal Mani whose total number of working days are 362 and 342 as specified in the aforesaid list (Annexure-A7) less than the number of working days of the applicant have been absorbed and regularised and they have been working since 1st April, 1987 as obvious from the perusal of Annexure-A7. It has further been stated that besides above persons the respondents have absorbed 4 other persons as specified in para 4(16) of the Applicant, but the grievance of the applicant has not been redressed despite direction issued by this Tribunal earlier in O.A.No.202 of 1989 (Annexure-A6). Hence the applicant has approached this Tribunal.

3. I have heard the learned counsel for the applicant and perused the papers annexed thereto. Learned counsel for the applicant have urged that direction be issued to the respondents to consider the matter of screening, absorption and regularisation of the applicant keeping in view the ~~instance~~ ^{extant} rules, orders by a speaking order within a suitable period. A perusal of Annexure-A7 which is the list of Casual Labourer specified that the name of the applicant was against serial number 6 and the total number of working days of the applicant is 566, whereas the name of the aforesaid Ram Avadh and Lal Mani find place at Serial number 14 and 15 respectively and their working days are

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362 and 342 days respectively. It is also significant to point out that a perusal of Annexure-A1 shows that the Casual Labourers who were engaged during the years 1980 and onwards, subsequent to the engagement of the applicant in the year 1978, were directed for screening test. Annexure-A1 is the photostate copy of the Card No.170752 of the applicant which shows the total number of working days of the applicant as 633½ days.

4. Thus this being so and having pondered overall the aspects of the matter, I find it expedient that the ends of justice would be met if the respondents Nos. 2, 3 and 4 are directed to consider the matter of screening, absorption and regularisation of the applicant in accordance with law, keeping in view the extant, rules, regulations and orders as regards by reasoned and speaking order, within 3 months from the date of receipt of copy of this order and I order accordingly.

5. The application is disposed of as above at the admission stage. No costs.

Member (J)

6.5.92

6th May, 1992, Allahabad.