

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No852 of 1992

Tulsi Ram Applicant.

Versus

Union of India
and others Respondents.

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Hon. Mr. @ K. Obayya, Member(A)
Hon'ble Mr. A.K. Sinha, Member(J)

(By Hon. Mr. K. Obayya, Member(A))

The applicant has prayed for a direction to the respondent no. 2 to enter his name in the seniority list of @Casual Labour and thereafter to engage him in service as per seniority of Casual Labour Register. There is also prayer for regularisation in Group-D post.

2. According to the applicant, he was engaged on daily wage basis as casual labour on 10.3.1980 and worked till 31.7.1985. With effect from 1.8.1985 he was asked not to come for duty. The grievance of the applicant is that some of his juniors like Virendra Singh and Suresh Chandra are permitted to work and even fresh labour is being engaged.

3. The respondents in their reply have stated that the applicant was engaged during the years 1981-1985 in broken spells and as he did not work for 240 days in two consecutive years as required under the Government of India, Ministry of Home instructions Affairs, he was not eligible to be re-engaged or regularised. The applicant represented to the

Comptroller and Auditor General and Principal Accountant General U.P. and he was also given reply vide letters dated 23.12.1991 and 4.12.1992 (Annexure- C.A. 2). The respondents have also raised the plea of limitation and they have also relied on the decision of State of Haryana Vs. Piyara Singh, 1990 Vol.21 ATC page 403 in which the Hon'ble court has held that the department may fix eligibility condition and also lay down a condition that the candidates must come through the Employment Exchange . It is also stated that as , "right to work" is not one of the fundamental rights, regularisation cannot be claimed as a matter of right.

4. We have considered the rival contentions. In similar matters (O.A.No. 960 of 1991 Chandra Bhushan Mishra Vs. U.O.I. & Others), we have issued direction to the respondents to enter the name of the applicant in the casual labour register and thereafter engage him on casual basis according to the seniority. In this case also we give similar direction and direct the respondents to enter the name of the applicant in the casual labour register and thereafter consider his case for re-engagement and regularisation in accordance with law giving him preference over his juniors and outsiders. The application is disposed of as above. There will be no order as to costs.

Ashu Kumar Singh,
Member(J)

P. S. Singh
Member(A)

Dated: 17 May, 1993.
(n.u.)