

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 55 of 1994

Allahabad this the 13th day of December, 1999

Hon'ble Mr. Rafiq Uddin, Member (J)  
Hon'ble Mr. M.P. Singh, Member (A)

Brij Lal Yadav, Son of Late Chhotey Lal Yadav,  
resident of village Junaidpur, Post Office  
Hanumanganj, District Allahabad.

Applicant

By Advocate Shri D.P.Singh

Versus

1. The Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Chief Engineer, Lucknow Zone, Lucknow.
3. The Commandar Works Engineer, Military Engineering Services, Allahabad.
4. The Garrison Engineer, M.E.S.(A.F.), Bamhrauli, District Allahabad.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R ( Oral )

By Hon'ble Mr. Rafiq Uddin, Judicial Member

The applicant has filed this O.A. for  
a direction to the respondents to regularise his  
services for the post of Motor Pump Assistant in

the regular strength of establishment and also for payment of arrears of pay and seniority from the date of his regularisation.

2. The admitted facts of this case are that the applicant has worked for more than 218 days with respondent no.4 during the period from the year 1984 to 1986. The applicant was thereafter not engaged by the respondent no.4.

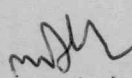
3. The applicant has therefore, approached this Tribunal for his re-engagement and regularisation on the basis of model standing order for casual labour. The aforesaid standing order inter-alia provides that "a casual workman who has completed six months of continuous service in the same establishment or under same employer within the meaning of sub-clause (b) of Clause(2) of Section 25-B of the Industrial Disputes Act, 1947, shall be brought on the regular strength of the establishment and his pay shall be fixed at the minimum in the time scale of pay applicable to their work he has been doing as casual workman." The provision of this model standing order has also been adopted by the respondents. Hence, it is also not in dispute that the case of the applicant is <sup>not</sup> fully covered by the provision of model standing order.

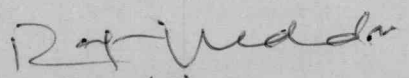
4. We have heard the learned counsel for the applicant-Shri D.P. Singh and Shri Amit Sthalekar, learned counsel for the respondents and <sup>perused</sup> the record.

5. Learned counsel for the applicant has drawn our attention that this Tribunal in O.A.no. 694 of 1989, which was decided vide order dated 31st October, 1991, has granted relief to the applicant and the case of the present applicant is also of the same nature and, as such, he is similarly situated. The relevant part of the order passed in O.A.No.694 of 1989 is as under;

"Accordingly, the respondents are directed to reconsider the case of the applicant for re-employment and there appears to be reasons why in the circumstances referred to above, he may not be re-employed, within a period of three months from the date of communication of this order. It will be open for the department to treat the applicant in continuous service but without any monetary benefits."

6. Since the facts of both the cases are similar, we find force in the arguments of the learned counsel for the applicant that the applicant also deserves the same relief and the O.A. is liable to be allowed. The O.A. is accordingly allowed, and the respondents are directed to re-consider the case of the applicant for re-employment within a period of 3 months from the date of communication of this order. It is, however, made clear that the respondents may treat the applicant in continuous service but without any monetary benefit. No order as to costs.

  
Member (A)

  
Member (J)