

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 30 of 1992

Date of Decision: 15.11.1993

P.K. Patnaik & Others Applicant(s)

Versus

Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? NO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? NO

— I. S. J. D. M.
MEMBER (ADMINISTRATIVE)

15 NOV 93

By 15/11/93
VICE-CHAIRMAN

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For the applicant Mr.G.A.R.Dora
Advocate

For the respondents Mr.Ashok Mishra
Sr.Standing Counsel
(Central Government)

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C O R A M:

THE HONOURABLE MR.K.P. ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN: Petitioners (18) in number were working on casual basis as Painters, Welder, Mechanic, Upholestory etc. in A.R.C., Charbatia for some years in the past.

2. In their counter the opposite parties maintain that question of regularisation of the services of the petitioner does not arise, because, there is no vacant post to adjust the petitioners and so far as payment of basic scale of pay given to the casual employees in the ^{grade} equivalent is concerned, it is maintained that the petitioners are not entitled to the same, as they are assisting the workshop staff. Therefore, claim on that account putforward by the petitioners is misconceived and unimaginable.

3. We have heard Mr.G.A.R.Dora, learned counsel

for the petitioners and Mr. Ashok Mishra, learned Standing Counsel.

4. So far as regularisation of services of the petitioners and payment of scale of pay of a regular employee in the equivalent cadre is concerned, there has been bed roll of judgments delivered by the Supreme Court, viz. judgments reported in AIR 1986 SC 584 (Surinder Singh vs. Union of India & Others) AIR 1987 SC 2342 (Bharatiya Dak Tar Mazdoor Manch vs. Union of India & Others) 1986(1) SC Cases 637 (Dhirendra Chanali vs. Union of India & Others) AIR 1988 SC 519 (Delhi Municipal Karmachari Ekata Union vs. Union of India & Others) AIR 1992 SC 2130 (State of Haryana vs. Piara Singh) and AIR 1992 SC 2070 (Director, Institute of Management Development vs. Puspa Srivastava). In all these Supreme Court judgments, the consistent view taken with regard to casual labourers working in a particular Government organisation, ^{is that} a seniority list should be prepared; and as and when regular vacancy arises in the cadre, suitability of casual labourers, according to their seniority should be considered; and appointment should be given to such persons who are found to be suitable according to criteria laid down by the administrative instructions. In the present case, we would direct that a seniority list of the petitioners and other casual labourers working in the ARC, Charbatia be prepared and as and when vacancy occurs in future, their cases be considered; and whoever is found to be suitable, appointment orders be issued in his/her favour. While considering the

suitability, the concerned authority would be at liberty to take into consideration any adverse report received, or made against any particular incumbent and such adverse report would be acted upon after notice has been given to the concerned casual labourer(s) and he has been heard personally.

5. We were told by Mr. Dora, learned counsel for the petitioners while placing the Memorandum Bearing No. ARC/Gen./8/86 (IV) issued by the Director General of Security ARC, sanctioning 10 posts and advertisements have been issued calling for applications by the concerned authority.

In case it is so, if any of the petitioners or any other casual labourers make an application, their cases be considered by the competent authority giving due weightage to the experience gained by such casual labourers.

6. As regards payment of basic scale of pay to the casual labourers in the equivalent cadre of a regular employee, we would say without least hesitation in our mind that the Supreme Court in the above judgments has ruled that in a socialistic pattern of society, the casual labourers should be given the same scale of basic pay which is being given to the regular employees of equivalent cadre. Therefore, we would direct that payment on the basis of same scale of pay drawn by the regular employees in the equivalent cadre be paid to the petitioners with effect from 27.1.1992 (the date of filing of this application) for the period of work rendered by each of the petitioners. The arrears be calculated and paid to the petitioners within 90 days from the date of receipt of a copy of this

judgment. Henceforward, the petitioners whenever engaged as casual labourers shall be given the basic scale of pay as indicated above. Thus the application is accordingly disposed of. No costs.

[Signature]
MEMBER (ADMINISTRATIVE)
15 Nov 93

[Signature]
15/11/93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 15.11.1993 / B.K.Sahoo

