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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 8 of 1994.

Date of decision : May 26, 1994.

prabhanjan Mohanty and others ...

Applicants.

Versus

Union of India and others ...


Respondents.

(FOR INSTRUCTIONS)

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


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

26 MAY 94


(K.P. ACHARYA)
VICE-CHAIRMAN.

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For the applicants... M/s. G. A. R. Dora,
V. Narasingh, Advocates.

For the respondents ... Mr. Ashok Misra,
Sr. Standing Counsel (Central)

CORAM:

THE HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

O R D E R

K. P. ACHARYA, V.C., The applicants (22 in number) have been serving in the Doordarshan Kendra in different capacities on casual basis. The prayer of all the applicants is for regularisation and for payment of salary on prorata basis keeping in par with the permanent employees corresponding to the same cadre. In this connection we have already passed several judgments including judgments passed in O.A. Nos. 441, 562 and 362 of 1992 disposed of on 16th November, 1993. The facts of the case involved in the above mentioned original applications are exactly similar to the facts of the present case. Therefore, we find no justifiable reason to make a departure from the view already taken in the above mentioned original applications.

2. After hearing Mr. G. A. R. Dora, learned counsel for the applicants and Mr. Ashok Misra, learned Senior Standing Counsel (Central) for the respondents it is directed that a seniority^{list} of all the casual workers discharging aforesaid nature of work be prepared Kendrawise. Those casual workers who have completed more than 120 days in a calendar year shall take precedence over those casual workers who have not completed 120 days during a span of more than a year. To exemplify, the aforesaid direction, it is necessary to set out an example. In the Doordarshan Kenera there are several casual workers namely A, B, C, D, E, F, & G. A, B, & C have completed 120 days during the year 1992 and D, E, F, & G have worked for a total period of 200 days or any number of days between 121 and 200 days during a period covered from 1989 to 1992, they shall be junior to A, B, & C and accordingly a seniority list be prepared Kendrawise and as and when vacancy arises in future such incumbents be appointed according to their seniority as reflected in the seniority list. We propose to still clarify the position as we do not like any controversy to emerge in future. Even if D, E, F & G have not completed 120 days in a calendar year between 1989 to 1992 still they shall not be deprived of being included in the seniority list and receiving their appointments when their turn comes according to their seniority. The examples given above, are only illustrative but the

principle will apply to all the casual workers from their date and year of joining. The Central Administrative Tribunal, Principal Bench in their judgment referred to in O.A.441 of 1992, 562 of 1992 and 362 of 1992 have also stated that for the purpose of regularisation, the upper age limit has to be relaxed and this aspect may be sympathetically considered by the competent authority while regularising a particular incumbent against a regular post.

3. Law is well settled by a plethora of judicial pronouncements of the Hon'ble Supreme Court that every casual labour should be paid the basic pay scale which is being given to a regular government servant in regard to the nature of work which a particular casual labour is discharging. This settled principle of law was rightly and fairly not disputed at the Bar.

It is therefore, directed that all these applicants who have been discharging their duties as casual workers be paid the minimum basic pay scale which is being given to a regular employee discharging the same nature of duties like that of the present applicants. The arrears be calculated and paid to all the applicants within 90 days from the date of receipt of a copy of this judgment.

4. Thus, this application is accordingly disposed of.

No costs.

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MEMBER (ADMN.) 26 MAY 94.

Central Admn. Tribunal,
Cuttack Bench, Cuttack.
May 26, 1994/Saranghi.

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VICE-CHAIRMAN.