

Order dated 10.12.2004

Heard Shri B.N.Nayak, learned counsel for the applicant and Shri U.B.Mohapatra, learned Senior Standing Counsel appearing on behalf of the Respondents and perused materials available on record.

It is the case of the applicant that although he is being engaged as Casual labourer under the Superintending Archaeologist, Bhubaneswar Circle since 1997, his service has not yet been regularised.

The Respondents by filing a counter have admitted that the applicant has been engaged as casual labour from the Financial Year 1997-98, during which he had worked for 120 days, followed by 156 days, 314 days, 312 days, and 233 days during the years 1998-99, 1999-2000, 2000-01 and 2001-02, respectively. The Respondents based on the circular dated 7.6.1988 (issued by the Ministry of Personnel & Trg.) and circular dated 13.10.1983 (issued by Respondent No.1) have opposed the prayer of the applicant for regularisation on the ground that he was not engaged by them initially being sponsored through the Employment Exchange.

It appears that the sole ground for which the applicant was not regularised by the Respondents is that he was not a casually employee being sponsored through the Employment Exchange before 20.3.1979 in terms of the Govt. of India letter dated 30.9.1983 (Annexure-5). However, in pursuance of the verdict of the Hon'ble Supreme Court in the case of Surinder Singh vs. Union of India & Ors. the Ministries/Departments were asked

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to regularise the services of casual labourers in a time-bound manner and it is in this background, another directive dated 7.6.1988 was issued by the Department with regard to recruitment of casual workers/persons engaged on daily wage basis, for which a strict time-frame was laid down in Para-2 of that circular/directive. Although in the said circular it was stipulated that there should be no more engagement of casual worker for attending work of regular nature, ~~the~~ some of the Ministries/ Departments/attached and Subordinate offices had been engaging casual workers to serve their administrative needs. In this case the applicant has been so engaged since 1987 and the Respondents have neither dispensed with his service nor have they regularised him, although they have been engaging him for a substantial period of time during the <sup>1997</sup> ~~the~~ current period.

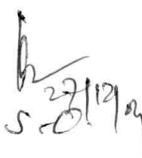
In the fitness of things, it would be prudent, if I dispose of this O.A. with direction to Respondents-Department to consider the case of the applicant for regularisation in terms of the Govt. of India circular dated 7.6.1988 (Annexure-A/4).

Ordered accordingly.

With the above observation and direction, this O.A. is disposed of. No costs.

  
VICE-CHAIRMAN

Free copy of order  
O/A. 10912/ay issued  
to the counsel for  
both sides.

  
S.O. 10912  
27/12/97

MP  
27/12/97