

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 463 of 1992

DATE OF DECISION 10-6-1993

K K Balan and others _____ Applicant (s)

Mr TM Chandran _____ Advocate for the Applicant (s)

Officer-In-Charge,
National Bureau of Plant _____ Respondent (s)
Genetic Resources, Regional Station,
Vellainkkara
Trichur-680 654 & others
Mr PVM Nambiar _____ Advocate for the Respondent (s) 1 to 3
Mr D Sreekumar, GP " for Respondent -4

CORAM :

The Hon'ble Mr. N DHARMADAN, JUDICIAL MEMBER
AND

The Hon'ble Mr. R RANGARAJAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

N DHARMADAN, J.M.

All the fourteen applicants jointly filed this application for getting regularisation under Respondent-3.

2 According to applicants, they ~~have~~ commenced casual work under Respondent-1 from 5.7.1983. They are even now continuing as casual workers under Respondent-3. Annexure-II and III are the certificate and details of work rendered by the applicants. According to the applicants there are sufficient number of vacancies available in the establishment so as to enable the Respondent-3 to absorb them regularly, but the Respondent-3 has not considered regularisation of the applicants despite repeated requests.

Under this circumstance, they filed this application under Section 19 of the Administrative Tribunals Act of 1985 for issuing a writ of mandamus directing the respondents 1 to 3 to absorb them as permanent workers and regularise ~~them~~ ^{their} with all consequential benefits with retrospective effect.

3 Respondents have filed their reply statement in which they have admitted that at present one vacancy of permanent labourer is existing and they will take steps for filling up of the same, considering the claim of the applicants. It is further admitted in paragraph -18 that a proposal has been made for creation of 15 additional posts of labourers and that the applicants' claim for regularisation will be considered by the respondents. ^{when add: and are satisfied.}

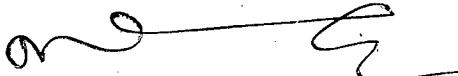
Learned counsel for the respondents submitted that the representations filed by the applicants were not statutory and hence no reply was given to the applicants. Nevertheless, the respondents are ^{answering and willing} to consider the grievances of the applicants for giving regularisation.

4 At the time when the case was taken up for final hearing, learned counsel for the applicant brought to our notice the decision in Daily R.C. Labour, P&T Department Vs Union of India - AIR-1987 (SC) 2342 and submitted that casual labourers cannot be allowed to continue more than a year without regularising them in service and it will cause injustice to them in case they are allowed to continue as casual labourers indefinitely without any security of service. They further submitted that the

applicants deserve due consideration in view of the fact that they are continuing as casual labourers from 1983 onwards. He also submitted that in view of the steps already taken by the respondents for creation of posts, the application can be disposed of with appropriate directions.

5 Having heard the counsel on both sides, we are of the view that the application can be disposed of directing the respondents to consider the claim of the applicants for regularisation of their services sympathetically. We hope that the respondents shall expedite the steps for creation of the posts and regularise them in accordance with law. This shall be done as expeditiously as possible, at any rate, within a period of six months. We make it clear that before regularising the services of the applicants, no persons from outside shall be appointed by the respondents against regular posts.

6 Application is disposed of as above. No costs.


R RANGARAJAN
ADMINISTRATIVE MEMBER


N DHARMADAN
JUDICIAL MEMBER
10.6.93.

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