

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A.No. 347/90

Amar Nath Pandey and another

Applicants.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicants were engaged as casual labour in the office Senior Superintendent R.M.S. 'O' Division Lucknow. Applicant No. 1 was engaged in the year 1980 and the applicant No. 2 in the year 1971. In the seniority list of casual labours eligible to appear in Group 'D' the date of engagement of applicants has been mentioned. The applicants have been continuously working as casual labour for more than 10 years. In the meantime Ministry of Home Affairs, Department of Personnel and Training issued a notification dated 7.6.88 regarding the policy of regularisation of casual workers. The applicants even then were not regularised. In addition to this Director General P&T vide letter dated 14.5.89 issued instructions, according to which casual labours were eligible for absorption in class IV posts provided they had been recruited through employment exchange and rendered a minimum of 2 years continuous service. The

applicants' grievance is that even though they fulfill all the requisite qualifications, they have not been regularised but juniors were regularised and the applicants have been made to work as casual workers. They have prayed that the opposite parties may be directed to regularise the applicants from the date of their respective engagement in service as part time casual labours and their seniority after regularisation from the date of their engagement as part time casual labours be given and the opposite parties be directed to make payment to the applicants equal to the pay drawn by their counter part on regular post in accordance with law.

2. The respondents, in the counter have stated that recruitment examination took place on 31.12.88 but the applicants did not pass the written test, and therefore, could not be regularised and that no recruitment to regular Group 'D' posts has been made from the open market if suitable casual/part time casual labours are available.

3. Thus, according to the respondents the applicants could not be regularised, though they were working for 10 years or for more than 10 years and could not succeed but others succeeded. Now, the policy of the Government is that cases of such persons should have been considered twice in a year. Accordingly,

the respondents are directed to give 2 more opportunities to the applicants within a period of one year and after that, if they succeed, they may be regularised.

With the above observations, the application is disposed of with no order as to costs.

Shakeel
A.M.

V.C.

Shakeel/ Lucknow: Dated: 16.4.92.