

89

CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH

T.A.No.653/87

(O.A.No.365 of 1988 )

Rangi Lal & Others ..... Applicants

vs .

Govt.of India & Others. ..... Respondents.

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

Hon. Mr. A.B.Gorthi, Member (A).

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

Since common questions of law have been involved in these 4 applicants' cases they have been bunched together. The names of these applicants were sponsored by the Employment Exchange and they were recruited as Casual Labourers after interview. They were appointed between the year 1980 to 1983 on daily wage basis.

According to them there was no break in their services when they were terminated. Prior to their termination,

according to them, they have not only attained the temporary status and benefit but also as that of permanent status and benefits as decided by the Supreme

Court in the case of <sup>Indra -</sup> Yatra Pal Yadav's case. It was

thereafter that, that the respondents decided to hold

an examination to regularise the service of various employees who were working on daily wage basis, but

the applicants were not allowed to appear in the examination.

The grievance of the applicants is that they were not allowed to appear in the examination,

and their services were terminated, but the

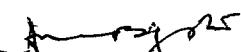
juniors were retained in the service. The termination

of the service of the applicants has been questioned

on the ground that such retrenchment is in violation of the rules under section 25 F of the Industrial Dispute Act. The respondents have ~~refused him on the ground~~ raised a claim that they have not issued any appointment letters to the applicants and they were engaged in temporary employments whenever necessity arose and it has not been denied that they were continuously engaged in service, but for a temporary break. It was also admitted that they were not allowed to appear in the regularisation examination but they were permitted to appear in the examination in pursuance to the order passed in July, 1987, but they were terminated since their performance was not found satisfactory. It is strange that the respondents discovered that the service of the applicants were not satisfactory after so many years of service. If the services of the applicants were not found satisfactory why they were allowed to continue in the service is not explained. After continuous service for so many years the applicant attained a temporary status. Instead of allowing such benefits they were not allowed to appear in the regularisation examination and they were removed from service while their juniors were retained in the service.

2. Under the orders of the Tribunal, the applicants shall now appear in the examination ~~the examination~~ and the results will be declared and in case they pass in the examination they will be taken back into service. Even otherwise, since the juniors to the applicants are retained in service the applicants will also be taken back and allowed to continue in service. No doubt, if the applicants are qualified for regularisation, they

will be regularised on due dates though back-wages may not be given. In any event, the applicants will be re-appointed into service. No order as to cost.

  
Member (A)

  
Vice-Chairman

Dated/ 16 April, 1992, Lucknow.

(tgk)