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CEMENT ADMINISTRATION LTD. LTD.

BOOK ON BENCH

LUCK NOW

Original Application No. 69 of 1992.

Liyakat Ali

Petitioner.

versus

Union of India & others

Respondents.

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

Hon. Mr. A. Obeyya, Adm. Member.

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

The grievance of the applicant is that he has not been regularised and his services have been orally terminated, therefore, he has prayed for quashing of the termination order and for regularisation. The applicant entered the service as casual labour on 4.5.81 and he has been continuously working with breaks. According to him, screening has taken place and a number of persons have been regularised and his case for regularisation has not been considered though he has served for more than 240 days.

2. The respondents have denied that the applicant was employed after qualifying selection of class four employee and in fact he was appointed as substitute or casual labour without any selection. As the applicant has worked in the railways he will be given a chance for regularisation if he is found suitable for screening and the respondents denied

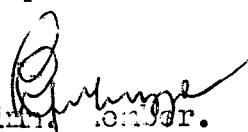
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that the applicant attained any specialisation according to the respondents

3. The applicant was allowed to work according to the daily requirement as substitute casual labour and he is not entitled to the provisions of section 25 F of the Industrial Disputes Act and his performance is yet to be decided as he was never selected and qualified any test.

4. The applicant has been working for 10 years as casual labour which indicates that the work is available with the respondents, and if the work was not available, he would not have been allowed to work and instead of regularising the applicant, the respondents entered into the legal jugglery that the applicant belonged to commercial department.

5. Accordingly, the respondents are directed to consider the case of the applicant for regularisation and since juniors have already been regularised, and those who have worked for lesser number of days, screened and then the applicants shall also be regularised after taking into consideration the vacancy position and this will be done within a period of three months from the date of communication of this order by the respondents.


Adm. Member.


Vice Chairman.

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Lucknow: Dated: 30.1.93.