

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
(CAMP: NAGPUR)

Original Application No: 724 OF 1992.

~~XXXXXXXXXXXXXXXXXXXX~~

DATE OF DECISION: DECEMBER 14, 1994.

Shri Omprakash U. Pilley, _____ Petitioner

Shri P. C. Marpakwar, _____ Advocate for the Petitioner

Versus

Union Of India & Others, ----- Respondents

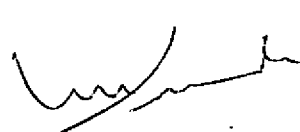
Shri R. P. Darda, _____ Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

The Hon'ble Shri M. R. Kolhatkar, Member (A).

1. To be referred to the Reporter or not ? *no*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*


(M. S. DESHPANDE)
VICE-CHAIRMAN.

6

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NAGPUR CIRCUIT BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 724 OF 1992.

Shri Omprakash U. Pilley ... Applicant
Versus
Union Of India & Others ... Respondents.

CORAM :

Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.
Hon'ble Shri M. R. Kolhatkar, Member (A).

APPEARANCE :

1. Shri P. C. Marpakwar,
Counsel for the Applicant.
2. Shri R. P. Darda,
Counsel for the Respondents.

ORAL JUDGEMENT :

DATED : 14.12.1994.

¶ Per. Shri M. S. Deshpande, Vice-Chairman ¶.

1. By this application, the applicant seeks reinstatement in service with back wages and equal pay for equal work, for the service rendered by him as a Casual Labour from 27.08.1979 to 20.04.1989 counting Sundays and holidays and breaks, for maintaining the seniority from 27.08.1979 till his reinstatement. The other reliefs i.e. cancelling the appointment orders of Respondent Nos. 4 to 6 is not considered, because the names of the Respondent Nos. 4 to 6 have been deleted at the time of hearing the present application.

2. According to the applicant, he was in employment as Casual Labour from 27.08.1979 to 20.04.1989

and his service came to be terminated orally. Reliance is placed on behalf of the applicant on the Office Memorandum dated 13.10.1983 at Annexure-3, which applies to the Casual Labourers, recruited before 21.03.1979 in various ministries/ Departments, whose services could be regularised in Group 'D' posts. This circular would not apply to the applicant, ^{up}on his own showing that he is employed from 27.08.1979 i.e. after the cut off date in this circular.

3. The Respondents have pointed out that, the three other workers to whom exceptions were taken by the applicant (original Respondent Nos. 4 to 6) were in service on 08.04.1991 and had been recruited in 09/1981, 05/1986 and 04/1987 and they came within the circular dated 05.02.1992 Annexure-1 to the reply, which clarified that the Casual Labour workers recorded against regular Group 'D' posts, before 07.06.1988 and who were in service on 08.04.1991 can be regularised now, even if they were recruited otherwise, than through employment exchange and had crossed the upper age limit prescribed for the post provided, they are otherwise eligible for regular appointment in all respects. The case of the respondent nos. 4 to 6 clearly fell within Annexure-1, while, the applicant would not be covered by the category to which annexure-1 applies. We, therefore, do not see any arbitrary exercise of the powers by the Respondents in employing respondent nos. 4 to 6 and excluding the applicant.

4. The Casual Labourers, whatever may be the length of time for which they were employed, would have no right to the post but for the scheme which has been framed by the Government and the applicant could therefore, not be

entitled to any relief. However, it appears that the applicant had sent a representation on 22.01.1991 and by the Order dated 11.03.1991, he was informed that the case for regularisation of Casual Mazdoors conversion into regular mazdoors has already been taken up with the Government of India through Ministry and his case would be considered on merit and he would be informed accordingly. Apparantly, more than three years have passed since then and the Respondents No. 1 to 3 should have informed the applicant about the final results of the representation.

5. The only direction we can make in the present case is that, the Respondents should intimate to the applicant, the final result on his representation, within four months from the date of communication of this order.

M/R Kolhatkar

(M. R. KOLHATKAR)

MEMBER (A).

(Signature)

(M. S. DESHPANDE)

VICE-CHAIRMAN.