

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA No.261/90.

Dt. of Order:4-8-93.

B.Narender

...Applicant

Vs.

1. The Director, DESIDOC,
Rep. by the Scientist-in-Charge,
DESIDOC, PP Unit,
Defence Metallurgical Research
Laboratory (DMRL),
Kanchanbagh, Hyderabad.

...Respondent

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Counsel for the Applicant : Shri D.P.Kali

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC

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CORAM:

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Divn. Bench passed by Hon'ble
Shri A.B.Gorthi, Member (A)).

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The applicant was appointed as a Casual Helper/
Labourer in the Respondent's office under the Scientist
in charge, DESIDOC, P.P.Unit, Govt. of India, on 21-11-86.
The applicant claims that although he had been working
continuously thereafter till the filing of this applica-

tion, The Respondents did not consider his case for regular ~~absorption~~ ^{absorption}. After filing the O.A. the applicant's services were dis-engaged. The Tribunal however vide order dt.1-2-91 directed the Respondents to continue the applicant so long as any juniors to him are employed. Not-with-standing the same, the applicant was not re-engaged by the Respondents.

2. In the counter affidavit the Respondents denied the fact that the applicant continuously worked ever since 21-11-86 as alleged in the application. According to the Respondents the applicant was engaged as Casual Labour for the following periods :-

| | | | | |
|----------|----|----------|----|----------|
| 21-11-86 | to | 30-1-87 | -- | 48 days |
| 2-2-87 | to | 17-2-82 | -- | 12 days |
| 25-2-87 | to | 31-3-87 | -- | 23 days |
| 19-1-89 | to | 17-4-89, | -- | 60 days |
| 1-5-89 | to | 28-7-89 | -- | 63 days. |

3. The Respondents clarified that there was a requirement of only one casual labour ~~xxx~~ for cleaning the machines and for bringing stores and other items required for the printing work by the unit. No permanent vacancy was existing with the DESIDOC, P.P.Unit while the applicant was working there in. One post of labourer was filled on 15-7-87 and again some more were recruited casual labourers/in March, 1990, The said recruitment was through local employment exchange as per extant

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Instructions. The applicant's name having not been sponsored by the Employment Exchange, he cannot be considered for engagement as a Casual Labour. Since the applicant had not worked continuously for six months there was no question of granting any temporary status to him.

4. We have heard ~~heard~~ Shri D.P.Kali, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the Respondents. Shri Kali, counsel for the applicant ^{has} drawn our attention to the judgment of the Supreme Court in the case of Surender Singh Vs. Engineer I/C, CPWD, (AIR 1986 SC 584), relevant portion of the judgment reads as follows :-

"We also record our regret that many employees kept in service on a temporary daily wage basis without their services being regularised. We hope that the Government will take appropriate action to regularise the services of all those who have been continuous employment for more than six months."

5. In the instant case, as the Respondent did not accept~~ed~~ the applicant's contention that he worked continuously from 21-11-86, there is no scope to apply-
~~ing~~ the observations made by the Supreme Court in the above case.

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6. We find from the averments made by the counter affidavit that the respondent had engaged some casual labour after having dis engaged the applicant, and for such engagement of casual labour resort was taken to obtain seeking candidates names from the Employment Exchange. It is now well settled that a Government department is well within its rights to fill-up any vacancy or even to engage casual labour though the employment exchange^{only}. In the instant case however we find that the applicant had served the Respondent organisation for some time. In view of this it is open to the Respondent's organisation, in accordance with the extant rules, to consider the case of the applicant for engagement against any future vacancy along-side the candidates whose names are sponsored by the Employment Exchange.

7. We dispose of this O.A. with the above observations. No order as to costs.

SP/-
(T. Chandra Sekhar Reddy)
Member (J)

DECLINED TO BE TRUE COPY
Date: 17/12/83
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

SP/-
(A. B. Sankar Reddy)
Member

To

1. The Director, DESIDOC,
rep. by the Scientist-in-Charge,
DESIDOC PP Unit, Defence Metallurgical Research
Laboratory (DMRL) Kanchanbagh, Hyderabad.
2. One copy to Mr. D.P. Kali, Advocate, 2-2-1164/15/B, Tilaknagar, Hyd.
3. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
4. One copy to Library, CAT. Hyd.
5. One spare copy.

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