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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

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D.A. 265/93

Dt. of Decision : 19.1.94.

Prakash Vittal Jadav

.. Applicant.

Vs.,

1. Commander Senior Inspector of Naval Armament  
Naval Armament Inspectorate,  
Kanchanbagh, (PO) Hyderabad - 258.

2. The Flag Afsar Kaman-In-Chief  
Mukhyalaya,  
Pooru Nausena Kaman,  
Viskhapatnam.

.. Respondents.

Counsel for the Applicant

: Mr. Mira <sup>2</sup> <sup>Ni Bav</sup> Ahmed Baig

Counsel for the Respondents

: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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D.A. 265/93

Dt. of Decision : 19.1.94

ORDER

¶ As per Hon'ble Shri A. B. Gorthi, Member (Admn.) ¶

The applicant who had worked with the respondents for certain period as Unskilled Labourer claims in this application for a direction to the respondents to continue him in service and to regularly absorb him as a Group 'D' employee.

2. The applicant having been sponsored by the employment exchange was called for an Interview / Test. In the letter calling him for interview it was stated that he would be considered for appointment as Unskilled Labourer in the scale of Pay of Rs. 750 - 940. The letter further states that the post for which the applicant was sponsored was temporary casual but likely to be made permanent depending upon his performance under the relevant rules and regulations. After the Interview / Test he was selected and appointed as Unskilled Labour with effect from 12.8.91. He continued to work satisfactorily till 28.2.93 but his service was terminated with effect from 31.12.92 by the impugned order (Annexure 2). Even after thus terminating his service, the respondents kept on taking the services of the applicant as and when required.

3. We have heard Mr. Mirza Ahmed Baig learned counsel for the applicant and Mr. N. R. Devaraj standing counsel for the respondents. Mr. Mirza Ahmed Baig contended

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that the applicant accepted the assignment as he was given the impression that he had joined a temporary post which was likely to be regularised in due course. He further contends that there are vacancies in Group 'D' post in the respondents' organisation, but notwithstanding the same, the services of the applicant had been dis-engaged. The fact that even after disengaging the services, the respondents continued to take work from him on various occasions would indicate that <sup>there was</sup> ~~the~~ was the requirement of a Group 'D' employee. In these circumstances, he urges that the applicant's case deserves to be considered by the respondents for regular absorption. In support of this contention Mr. Mirza Ahmed Baig has drawn our attention to the case <sup>of</sup> ~~the~~ Daily Rated Casual Labour employees under P&T Department Vs Union of India AIR 1987 SC 2342. In that case, the <sup>apex court</sup> ~~Bench~~ directed the respondents, inter alia, to prepare a scheme on a rational basis for absorbing as far as possible the Casual Labourers who have been continuously working for more than one year in the P&T Department. Another case to which our attention was invited is that of Surenderr Singh Vs The Engineer in Chief CPWD, AIR 1986 SC 584. In that case the Hon'ble Supreme Court observed with regret that many employees were being kept in service on a temporary daily wage <sup>in</sup> basis, without the services being regularised. It was accordingly expected that the government would take appropriate action to regularise the services of all those who have been in continuous employment for more than 6 months.

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4. Learned standing counsel for the respondents has stated that the employment of the applicant was for a specified period that is from 1.8.91 to 30.6.92.

However as certain Additional funds <sup>was</sup> made available, the respondents continuously <sup>ed</sup> engaged the applicant and the applicant's services were dis-engaged only on receipt of instructions from higher Head Quarters.

5. There can be no doubt that it is the responsibility of the Labourers and see how best their services could be regularised in accordance with the extant scheme. The fact however remains that such regularisation would be possible only if there are posts available against which Casual Labourers could be regularly absorbed. In view of these circumstances, we dispose of this application with the following directions to the respondents.


1) Should the respondents require the services of Unskilled Casual Labour, the applicant will be engaged as such, in preference to freshers.

2) Should there be any vacancy coming up in a regular post under the respondents, the case of the applicant will be considered for appointment giving preference to him due to the fact <sup>that of</sup> ~~all~~ his service with the respondent organisation, provided he is, otherwise eligible in all respects for such appointment.

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3) The question of regularly absorbing the applicant also will be considered in accordance with the scheme that is applicable to Casual Labour employees under the Ministry of Defence.

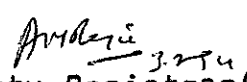
6. No order as to costs.

  
(T. CHANDRASEKHARA REDDY)  
MEMBER (JUDL.)

  
(A.B. GORTHI)  
MEMBER (ADMN.)

Dated : The 19th January 94.  
(Dictated in Open Court)

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Deputy Registrar (Judl.)<sup>3.2.94</sup>cc-

Copy to:-

1. Commander Senior Inspector of Naval Armament Naval Armament Inspectorate, Kanchanbagh (PO), Hyd-258.
2. The Flag Afsar Kaman-In-Chief, Mukhyalaya, Pooru Nausena Kaman, Visakhapatnam. *NCSav*
3. One copy to Sri. <sup>z</sup>Mirza/Ahmed Baig, advocate, CAT, Hyd.
4. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

*5th Feb 94*  
*as 9.2.94*