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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No. 50 of 1997

DATE OF DECISION... 30/12-98

Md. Abdul Rafik

(PETITIONER(S))

Mr. G.P. Bhowmick, Mr. A. Verma, Mr. A. Deb Roy.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. S. Ali, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR. G.L. SANGLYINE, ADMINISTRATIVE MEMBER

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble MR. G.L. SANGLYINE,
ADMINISTRATIVE MEMBER

[Signature]
30/12/98

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No:50 of 1997

Date of Order : This the 30th Day of December 1998

HON'BLE MR.G.L.SANGLYINE,ADMINISTRATIVE MEMBER

1. Md.Abdul Rafik,
Son of Md.Abdul Jabbar
Resident of Niz Kadomoni,
Dibrugarh.

By Advocate Mr.G.P.Bhowmick, Mr.A.Verma, A Deb Ray.

-Vs-

1. Union of India,
(Through the Secretary to the Govt. of India
Department of Information and Broad Casting)
Shastri Bhavan, New Delhi.
2. The Station Director,
All India Radio, Dibrugarh,
P.O. Dibrugarh, 786001.
Dist : Dibrugarh, Assam.
3. The Superintending Engineer
All India Radio Dibrugarh
P.O. Dibrugarh, 786001.
Dist. Dibrugarh.

By Advocate Mr.S.Ali, Sr.C.G.S.C.

O R D E R.

G.L.SANGLYINE, MEMBER(A) :

The Applicant was working as a Casual worker on daily wage basis in the All India Radio, Dibrugarh. No order of appointment was produced either by him or by the respondents. Therefore, no appointment or engagement order of the applicant is available before this Tribunal. According to the respondents the applicant worked as Casual worker under the All India Radio, Dibrugarh, in the period from 30-6-1989^{to} 9-3-1995 with broken periods in between as shown in Annexure I to the written statement. According to the applicant, however, he worked continuously without any break during the period.

2. Mr.G.P.Bhowmick, learned counsel for the applicant, submitted that the applicant is entitled to regularisation of his service against a Group'D' post in the All India Radio,Dibrugarh.I have heard counsel of both sides.The

Contd/-

respondents have since brought out into existence^a/scheme for regularisation of service of casual workers known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme which came into force with effect from 1-9-93. Regularisation of the service of the applicant has to be considered within the framework of the scheme. A casual labour is first to be granted temporary status and thereafter regularisation in terms of the scheme. However, the period of works rendered by the applicant are in dispute as stated herein-above and the respondents did not come forward with records to support the statement in Annexure -1 to the written statement during the course of hearing. The respondents are therefore, directed to consider granting the benefits of the aforesaid scheme to the applicant. In the course of such consideration they shall allow the applicant to inspect the records regarding the periods of his work~~er~~ in the All India Radio, Dibrugarh from 1989 to 1995 and also an opportunity of personal hearing before issue of order. In State of Haryana and others Versus Piara Singh and others reported in AIR ~~1992~~ 1992 Supreme Court, 2130 the Hon'ble Supreme Court has held at page 2151 as follows:-

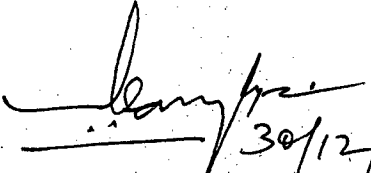
"So far as the work-charged employees and casual labour are concerned, the effort must be to regularise them as far as possible and as early as possible subject to their fulfilling the qualifications, if any, prescribed for the post and subject also to availability of work. If a casual labourer is continued for a fairly long spell-say two or three years- a presumption may arise that there is regular need for his services. In such a situation, it becomes obligatory for the concerned authority to examine the feasibility of his regularisation. While doing so, the authorities ought to adopt a positive approach coupled with an empathy for the person."

It is an admitted fact that the applicant had worked with the respondents from 1989 to 1995. He had rendered the services to the respondents without any murmur either out of ignorance or economic compulsions. The respondents have taken the services from the applicant. It is expected that while considering the case of the applicant the respondents will take a sympathetic view.

3. The respondents are directed to communicate to the applicant a final order within 90 days from the date of receipt of this order.

With the above directions the O.A. is disposed of.
No order as to costs.

LM


30/12/98
(G.L. SANGLYNE)
ADMINISTRATIVE MEMBER