

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.No.....184..... of 1998.

DATE OF DECISION...7-4-2000.....

Shri Bhaijan Boro

PETITIONER(S)

S/Sri B.Banerjee, M.Chanda & Smt.N.D.Goswami. --- ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri B.C.Pathak, Addl.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

THE HON'BLE MR G.L.SANGLYINE, ADMINISTRATIVE MEMBER  
O.A.No..... of

THE HON'BLE

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ? PETITIONER(S)
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 ? ADVOCATE FOR THE

Judgment delivered by Hon'ble Administrative Member.

RESPONDENT(S)

ADVOCATE FOR THE  
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

THE HON'BLE

THE HON'BLE

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ? PETITIONER(S)
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?

a

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 184 of 1998.

Date of Order : This the 7<sup>th</sup> Day of April, 2000.

The Hon'ble Mr G.L.Sanglyine, Administrative Member.

Shri Bhaijan Boro  
son of Shri Lambodhar Boro,  
resident of village Baghmara,  
P.O. Ulubari,  
Dist. Sonitpur, Assam . . . Applicant

By Advocate S/Sri B.Banerjee, M.Chanda &  
Smt. N.D.Goswami.

- Versus -

1. Union of India,  
represented by the Secretary to the  
Government of India,  
Ministry of Defence, New Delhi.
2. The Commanding Officer/Station Adjutant,  
825 Signals Unit,  
Air Force,  
C/o 99 A.P.O. . . . Respondents.

By Advocate Sri B.C.Pathak, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMN.MEMBER,

The applicant was engaged on 26.5.1990 as a Seasonal Anti Malaria Laskar on daily wage basis of Rs.17/- per day for the period from 28.5.1990 to 31.10.1990. After the period was over he was no longer engaged. He did not also approach the respondents for further engagement till 10.4.1995 on which date he submitted the representation to the respondents praying for absorption in any existing vacancy of casual labour under the respondents, as he had come to know from reliable sources that requisition were made for absorption of casual labourers by the respondent No.2. He submitted before the respondents that as a retrenched employee he could be considered for re-employment/re-engagement on priority basis. There was no response from

the respondents and the applicant had not also reminded the respondents till 16.7.1997. In his representation dated 16.7.1997 he had stated that there were 10 existing vacancies to be filled up as Group 'D' in the office of respondent No.2. He submitted that 30 vacancies were filled up without considering his claim for re-engagement and regularisation of service. Therefore he made a prayer before the respondents to re-engage and regularise his service. No reply was given by the respondents. Therefore, the applicant submitted this Original Application. In this application he has prayed for a direction to the respondents to regularise his service in any Group 'D' vacancy with all consequential benefits on priority basis taking into consideration the service rendered by him.

2. The respondents have contested the application and submitted written statement. According to the respondents the service of the applicant as Seasonal Anti Malaria Laskar came to an end on expiry of the period of his engagement. The respondents cannot consider appointment of the applicant as a regular employee in a Group 'D' post, though he had approached them, as his name was not sponsored by the Employment Exchange. Mr B.Ch Pathak, learned Addl.C.G.S.C supported the written statement. He submitted that the applicant cannot be appointed to a regular post without observing and completing the prescribed recruitment process. However, he fairly submitted that if the applicant approach the respondents for re-engagement as Seasonal Anti Malaria Laskar his case may be considered, if occasion arises, on the ground that he is a retrenched seasonal worker. Mr M. Chanda, learned counsel for the applicant however, submitted that the applicant has a right to be absorbed on regular

basis as a Group 'D' employee on priority basis as he was a seasonal employee of the respondents.

3. I have heard learned counsel of both sides. The applicant was engaged as Seasonal Anti-Malaria Laskar after his name was sponsored by the Employment Exchange. His appointment was only for 6 months from May 1990 to October 1990. This was the only period he had worked under the respondents. According to him he is similarly situated with the applicants in the O.A.No.192 of 1994. In the order dated 3.4.1997 in the above mentioned O.A. this Tribunal found that the nature of work done by the applicants in that O.A. are of perenial in nature and the applicants were working for a considerable period and therefore directed that their services should be regularised. Moreover, the benefit of the O.M. dated 10.9.1993 was available to them. The applicant has submitted this application claiming that he is entitled to the similar benefits as those applicants in the O.A.No.192 of 1994. The respondents, however, submitted that the appeal against the order dated 3.4.1997 is pending disposal before the Hon'ble Supreme Court. In the circumstances I direct the respondents that after disposal of the appeal aforesaid they shall consider whether the benefits, if any available to the applicants in the O.A.192/94, can be extended to the applicant in the facts and circumstances of his case. Further, in view of the submission of Mr Pathak regarding re-engagement of the applicant as Seasonal Anti Malaria Laskar the applicant may approach the respondents and the respondents on receipt of representation from the applicant shall consider re-engagement of the applicant according to law and offer re-engagement to the applicant, if he is found eligible, as soon as the next occasion for engagement of such workers arises.

The application is disposed of. No order as to costs.

  
( G.L. SANGHVI ) 7/4/2000  
ADMINISTRATIVE MEMBER