

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

original Application No.616/1998

Jabalpur, this the 17th day of December, 2003

Hon'ble Shri M.P.Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

1. Nand Kishore s/o Shri Sukhai
2. Ambika Prasad s/o Shri Dwarka Prasad
3. Mathura Prasad s/o Shri Ram Avtar
4. Govind Singh s/o Shri Khilan Singh
5. Hori Lal s/o Shri Channe Lal
6. Govind s/o Shri Jaggannath
7. Suresh s/o Shri Moti Lal
8. Sunil Kumar s/o Shri Hakim Singh
9. Rakesh s/o Shri Sundar Lal
10. Rakesh s/o Shri Kansraj
11. Rajesh s/o Shri Mishri Lal
12. Rajman s/o Shri Ram Saran
13. Smt. Urmila Bai w/o Ratan
14. Santoo s/o Shri Bansi Lal Yadav
15. Rajendra Kumar s/o Shri Bhawanideen

...
All are working as Casual Labourer
at Military Farm, Jabalpur (MP). ... Applicants

(By Advocate: Shri Prashant Singh)

Versus

1. Union of India through
Secretary, Ministry of Defence
New Delhi.
2. Deputy Director General
Military Farm Army Headquarters
Block 3, R.K.Puram
NEW DELHI.
3. The Director
Military Farm, Army Headquarters
Lucknow (UP).
4. The Officer
Military Farm
Jabalpur (MP)
5. Arun Kumar s/o Shri Shiv Raj
6. Chhote Lal s/o Shri Hub Lal

Contd...2/-



7. Rajesh s/o Shri Basant Lal
8. Ram Ajer s/o Shri Bodhi
9. Durga Singh s/o Shri Lal Singh
10. Basori Lal s/o Shri Pati Ram
11. Prem Lal s/o Shri Doman Lal
12. Komal s/o Shri Dammo
13. Prem Lal s/o Shri Shankar Lal
14. Shankar Rao s/o Shri Muliya Rajan
15. Ram Kumar s/o Shri Jai Bahadur
16. Smt. Shakun Bai w/o Ramesh.

Respondent No.5 to 16 are working as Casual Labourers in Military Dairy Farms, Jabalpur, (MP). . . Respondents

(By Advocate: Shri B. da. Silva through Sh. P. Shankaran)

O R D E R (Oral)

By G. Shanthappa, Judicial Member -

The above Original Application is filed by the applicants for direction to the respondents Nos. 1 to 4 to regularise the services of the applicants with effect from their initial appointment as detailed in para 4.1 and pay them all pecuniary benefits which may arise there-from. They have also prayed for assigning them proper placement in the seniority list over and above the respondent Nos. 5 to 16.

2. The brief facts of the case are that the applicants are working as Casual Labourers on Muster Roll under the respondent No. 4. Their appointments are on different dates as mentioned in para 4.1 of the application. Their case is that they have worked more than 240 days in a year. Hence they have complied the conditions as mentioned in Annexure A-4 i.e. Terms and conditions of service of Casual industrial & non-industrial employees. Accordingly, they have requested for regularisation and the reliefs as prayed in the OA.

3. Per contra the respondents have filed their

return contending that the applicants were initially inducted in the services of the Department against seasonal job, such as irrigation Mazdoor, repair of fencing in cultivation area, cutting of green fodder as per monthly requirement/sanction from higher authorities and had been paid on Minimum Wages Act. The respondents 5 to 8, 10 & 14 to 16 were engaged against vacant permanent posts at Military Farm, Jabalpur and respondents 9, 11, 12 and 13 were initially recruited from the Employment Exchange Saugor and the respondents 5 to 8, 10 and 14 to 16 were engaged earlier but their names have been sponsored by Employment Exchange, Jabalpur during the year 1995, hence they have temporary status on 1st Jan. 1996 whereas the applicants at serial Nos. 1 to 15 were sponsored through Employment Exchange on 15th January, 1996. Regarding regularisation of casual labourers, certain conditions viz. completion of 240 days of casual service is essential. The applicants are not entitled for appointment to the post on regular establishment as they were engaged by the Department on the "as and When required" basis only. Since the applicants have not complied with the conditions of the scheme they are not entitled for regularisation.

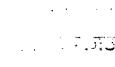
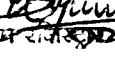
5. Accordingly, we are of the view that if the applicants are working under the respondent No. 4 continuously for a period of 240 days in a year and if they have complied with the conditions of the scheme for

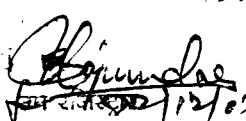
regularisation as per Annexure A-4 the respondents shall consider their cases for regularisation applying the principles laid down by this Tribunal in OAs Nos. 769/1998 and 770/1998, decided on 20th July, 2000 and also the orders of the Hon'ble High Court of Madhya Pradesh in WP 6085/2000, dated 22.01.2003, especially the observations of the Hon'ble High Court in Paras 7 and 8 of the order, within a period of three months from the date of receipt of copy of this order. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"  Prashant Singh, Adm.

- (1)  B. dasrkar, Adm.
- (2)  B. dasrkar, Adm.
- (3)  B. dasrkar, Adm.
- (4)  B. dasrkar, Adm.

 G. Shanthappa, Adm.


22/12/03