

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

(P)

OA NO. 1042/2003

This the 26th day of February, 2004

HON'BLE SH. KULDIP SINGH, MEMBER (J)  
HON'BLE SH. S.A.SINGH, MEMBER (A)

1. Arjun Singh Rawat
2. Sukhbir Singh
3. Ram Lakhan

(By Advocate: Dr. Surat Singh)

Versus

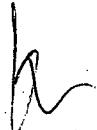
1. Union of India  
through Secretary  
Ministry of Science and Technology  
new Delhi-110001.
2. Director General Council of  
Scientific & Industrial Research  
Anusandhan Bhawan  
2, Rafi Marg,  
New Delhi-110001.
3. Indian National Scientific  
Documentation Centre,  
14, Satsang Vihar Marg,  
New Delhi-110067.

(By Advocate: Ms. K. Iyer)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicants are aggrieved of the inaction on the part of the respondents as they have not regularised the service of the applicants despite the fact that applicants are working as Group 'D' employees with the respondents since 1982-1984 whereas the services of the juniors to the applicant have already been regularised by the respondents. It is further stated that one of the applicant is already on the panel of temporary employees whose services are to be regularised in future which is quite evident as per Office Memorandum dated 5.2.97 but till date his service have not been regularised by the respondents.



2. Applicants claim that they have a right to be regularised as per the judgment of Piara Singh vs. State of Haryana reported in JT 1992 (5) SC 179 wherein it was held that the services of casual workers should be regularised as early as possible and if employees are working for a fairly long period, it will be presumed that there is a permanent requirement of their services and steps should be taken for regularisation of their services.

3. Respondents submits that applicants had earlier filed an OA which was disposed of with a direction to the respondents to dispose of the representation and the said order has been complied with and applicants have been informed that their case would be dealt as per the Casual Workers Absorption Scheme which has already been framed by the respondents pursuant to the directions of the Hon'ble Supreme Court.

4. Respondents further stated that main prayer of the applicant in the case is that they should be regularised and for the similar purpose an identical case involving temporary status workers in the same category in the same laboratory has already been decided, i.e., OA-2220/2002 in the case of D.K.Saxena and others vs. CSIR wherein the Tribunal had given the following directions:-

"I have carefully considered the rival contentions of the parties and perused the material on record. In the light of the rival contention, I have the considered view that it is open for the applicants either to acquire the qualification of typing test and to appear in the test for the post of LDC/clerical grade notified by the respondents, if they are of the view that on working on a post having different nature of work, they should be allowed to appear against the vacancies subject to their suitability as and when the vacancies are notified in the trade to

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which the applicants belongs, they shall appear in the test and found suitable will be regularized. However, they may be posted anywhere laboratories of the respondents and be also adjusted in case the vacancies are notified at Delhi for the trade to which they belonged. Till then the applicant shall continue to work in that capacity of casual workers having temporary status."

5. It is further stated that OM dated 18.12.2002 is general in nature applicable to all the casual workers identified under the scheme. Respondents at no point of time have stated that these casual workers would be removed from their services. Thus, it is stated that OA merits no consideration.

6. We have heard the learned counsel for the parties and gone through the record.

7. It is an admitted case that earlier an OA was filed by D.K.Saxena and others. The OA was disposed of as stated above and respondents have already framed a scheme titled as Casual Workers Absorption Scheme, 1990 vide their letter dated 4.10.90.

8. According to the respondents the scheme requires that selection process has to be undergone by the casual employees for being regularised and the respondents have regularised only those persons those who have successfully completed the recruitment process. Applicants will also be given opportunities to clear the test as per the Casual Workers Absorption Scheme which is a continuing process and the applicants will also be absorbed as per the Scheme.

9. Respondents only stated that for reasons known to the applicants they are unwilling to participate in the recruitment process and they want that they should be

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regularised without undergoing selection procedure.

Respondents also submit that they are intimating to the casual workers of vacancies in various posts as and when arise so as to enable the applicants and similarly situated persons to apply for the same and once they succeed satisfy the necessary selection procedure, the casual workers become eligible for regularisation.

10. Having regard to these submissions, we find that this OA can also be disposed of on the same lines as the OA-2220/2002 has been disposed of. Accordingly, we also dispose of this OA with a direction to the respondents that they will consider the case of the applicants for regularisation as and when vacancies become available to them and it is also open for the applicants to acquire the necessary qualification for the concerned job so that they may qualify the selection process and may become eligible for being regularised.

11. It is further directed that respondents shall intimate the applicants as and when vacancy arise and after fulfilling the requirement as specified in the regularisation scheme the respondents shall regularise the applicant as and when vacancy arises. OA stands disposed of. No costs.

  
( S.A. SINGH )  
Member (A)

  
( KULDIP SINGH )  
Member (J)

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