

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.3110/2003

New Delhi, this the 5th day of August, 2004

Hon'ble Shri S.K. Naik, Member(A)

1. Maharaj Singh, Gali No.5, Jagatpura, Delhi
2. Ram Kumar, Vill. Wazirabad, Delhi
3. Chottey, Kishan Colony, Delhi
4. Jagdish, Gali No.1
Vill Jagatpura, Delhi .. Applicants

(Shri Yogesh Sharma, Advocate)

versus

NCT of Delhi, through

1. Chief Secretary
New Sectt, New Delhi
2. Deputy Commissioner (East)
LM Bandh, Shastri Nagar, Delhi .. Respondents

(Shri S.Q. Qazim, Advocate)

ORDER(oral)

Applicants, four in number, working as casual Boatman on seasonal basis since 1989, have earlier filed OA 1973/2003 for regularisation against vacant posts of Boatman. That OA was disposed of vide order dated 13.8.2003 directing the respondents to decide applicants' representation and pass a reasoned and speaking order within two months. Thereafter, respondents have passed an order dated 28.10.2003, which is under challenge in the present OA.

2. The only objection of the applicants' counsel in the present OA is to the wordings in the impugned order viz. "The cases of the above mentioned representationists would be considered subject to their names being sponsored by the Employment Exchange and their fulfilling the requirements of the RRs". According to

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the counsel, there are four vacant posts in the grade of Boatman and the applicants can be considered against these posts without insisting on their being sponsored by the Employment Exchange as they have been serving the respondent-department for a long time, i.e. since 1989. In this connection, he has also placed reliance on the judgement of the Tribunal in Durga Prasad Tewari & Ors. Vs. UOI 1990(3) SLJ CAT 94, wherein it was held that casual labourers who have been working for 2 to 4 years should be considered for regularisation of their services irrespective of whether their names have been sponsored by the Employment exchange or not.

3. Counsel appearing on behalf of the respondents has contended that the four vacant posts have occurred because of the retirement/death of the incumbents of the posts and selection process has been initiated by calling the names through Employment Exchange, as has been the practice in the past, in accordance with the extant R/Rules and no deviation can be made therefrom. Therefore, the applicants have rightly been informed by the impugned order which does not suffer from any illegality.

4. After hearing the learned counsel for the parties and perusing the records, I am of the considered view that the present OA can be disposed of in the following terms:

Order

- (a) Respondents shall not insist on applicants' names being sponsored by the Employment Exchange again in view of their long service on casual basis with the respondent-department;
- (b) Candidature of the applicants will be considered by the respondents alongwith other candidates sponsored by the Employment Exchange; and
- (c) Age relaxation to the extent of their casual engagement will be considered by the respondents.

I order accordingly. No costs.

S.K. Naik
(S.K. Naik)
Member(A)

/gtv/