

(2002) 04 DEL CK 0021

In the Delhi High Court

Case No : CW No. 7608/99

Shri Ram Krishna Mahato and Another

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 23-04-2002

Acts Referred:

Citation : (2002) 98 DLT 32 : (2002) 64 DRJ 829

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Arti Mahajan, for the Appellant; Anil Kumar, for the Respondent

Judgement

Vijender Jain, J.—This order shall disposed of CW 7608/99, CW No. 4449/99, CW No. 7721/99, CW No. 1023/2000, CW No. 1310/2000, CW No. 6697/99, CW No. 7691/99 and CW No. 7121/99.

2. Rule.

3. Counsel for the petitioner have contended that the scheme of the Government with regard to casual labourer would be applicable to the respondent/National Open School. This wit petition has been filed seeking direction that the respondent may continue to engage the petitioners as casual labourers as long as there is work requiring engagement of casual labourers and not to engage any fresh casual labourer in the place of the petitioners.

4. In CW 7608/99 another prayer is that the respondent be directed to grant temporary status to petitioners in terms of the Government of India's instructions and also consider them for regularisation in course to time.

5. On other hand, Mr. Anil Kumar, Counsel for the respondent/National Open School has contended that the scheme of the Government of India is not applicable to the respondent No. 2 and that question is no more rest integra. He has invited my attention to a judgment of Division Bench of this Court in CWP No. 535/94 entitled Shri Manik Chand Prasad v. Central Board of Secondary

Education and Anr. In the said case reliance was placed on the same scheme. Although the respondent in that writ petition was Central Board of Secondary Education.

6. I have perused through the scheme which is at page 16 of the paper-book in CWP No. 7608/99 which is an OM issued by Ministry of Personnel. In the appendix para 3 it is specifically mentioned that the scheme is applicable to the casual labourers in employment of the Ministry/ Deptt. of Government of India and their attached and subordinate offices. By no stretch of imagination it can be held that respondent No. 2/National Open School which is established by a Society, is the Department of the Government of India.

7. The second submission of counsel appearing in various writ petitions is that de hors the scheme, the respondent cannot be permitted to employ fresh set of casual labourers when the work is not of seasonable nature and respondents are required to get the services of casual labourers throughout the year.

8. Mr. Kumar, learned counsel for the respondent has contended that respondent/National Open School conducts two examinations every year and for that purpose casual labourers are required, now the respondent has stopped recruiting any casual labourer (class IV) as the work has been assigned to the regional offices of the respondent. Said statement has been controverted by the learned counsel for the writ petitioners that it is not so. It has been contended that in some cases respondent has given an option to other casual labourers who were working with respondent No. 2 in similar circumstances that if they were willing to work at other regional offices without payment of fares to the places of their work. Mr. Kumar very fairly states that this option can be given to the writ petitioners according to the seniority list maintained by the respondent in the Delhi office.

9. To my mind this offer of the respondent No. 2 is fair. Those of the petitioners who would like to join the regional offices for work whether it is seasonal, temporary or of permanent nature, the respondent No. 2 will give an option to such petitioners who accept offer of respondent No. 2 of working at those places without being paid any fare. It is also directed that in case respondent No. 2 employ any casual labourer (class IV) in Delhi office, they will offer such employment to the petitioners according to the seniority list maintained by respondent No. 2 in the first instance.

10. Seniority list maintained by respondent No. 2 shall be filed within four weeks in this Court.

11. With these directions, all the writ petition stands disposed of.

12. Copy of this order be kept in CW No. 4449/99, CW No. 7721/99, CW No. 1023/2000, CW No. 1310/2000, CW No. 6697/99, CW No. 7691/99 and CW No. 7121/99.