

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.23610 of 2013

Date of Decision:- 03.07.2015.

Union of India and others

.....Petitioners

Versus

Guddan and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Namit Kumar, Advocate for the petitioners.

Mr. R.P. Mehra, Advocate for respondent No.1.

SURYA KANT, J. (ORAL)

1.) Union of India and its Department of Posts have laid challenge to the order dated 12.09.2012 passed by Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'the Tribunal') whereby they have been directed to consider the claim of first respondent for absorption on regular basis against the 251 vacancies in Peons' cadre in terms of instructions dated 19.07.2000 (P-7). The review application filed by the petitioner-Authorities was also declined by the Tribunal vide order dated 01.05.2013. That order is also under challenge.

2.) The first respondent was engaged as a part-time Sweeper in the year 1997. She is still working as such uninterruptedly. Though it is claimed that the first respondent was engaged on part time, she has categorically averred in the Original Application that she was required to work for eight hours like a full time casual worker.

3.) As the first respondent was not given status of a regular employee, she approached the Tribunal who, as noticed above, has issued certain directions to the petitioners.

4.) The plea taken before this Court is that the instructions dated 19.07.2000 (P-7) issued by Department of Personnel and Training (DOPT) relied upon by the Tribunal are inapplicable in the instant case as the Ministry of Communications and IT (Department of Posts) has issued its own policy instructions regarding engagement and or absorption of part-time/casual labourers (P-10 dated 27.01.2011).

5.) We have heard learned counsel for the parties and gone through the record. While there appears to be some substance in the first respondent's contention that the policy circular of 2011 should not apply in her case as she was engaged in the year 1997, there is no broad based policy decision in the Department of Posts which can be applied uniformly.

6.) This Court has already in a bunch of writ petitions including CWP No.9167-CAT of 2007 titled **Union of India and**

others Vs. Central Administrative Tribunal, Chandigarh Bench

and others taken notice of the plight of casual labourers branded as 'part-time workers' though each one of them is required to work for the whole day and/or left with no alternative job for the remainder of day. Having regard to those fact-situations, the writ petitions were disposed of directing the petitioner-Authorities to re-visit and re-formulate their policy so that Group 'D' posts could be sanctioned in a phased manner to absorb the part-time or other casual labourers who are working from the last 15 years or more. It was further directed that those who have completed 20 years as part-time daily wagers be granted minimum basic pay of Group 'D' post as an interim measure.

7.) We see no reason to take a different view in the instant case. Hence, the writ petition is disposed of in terms of the order dated 02.03.2015 passed in CWP No.9167-CAT of 2007 titled **Union of India and others Vs. Central Administrative Tribunal, Chandigarh Bench and others.**

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

July 03, 2015.

sandeep sethi