

Union of India and Others

Vs

Munim Singh and Others

Civil Appeal No. 3792 of 1992

(L. M. Sharma, S. Mohan, N. Venkatachala JJ)

03.09.1992

JUDGEMENT

SHARMA, J.:-

1. Heard the learned counsel for the parties. Special leave is granted.

2. By this appeal the appellants are challenging the judgment of the Central Administrative Tribunal, New Delhi, directing them to pay the respondents, who were engaged as casual workmen during the period May, 1988 to June, 1990 in the Telecommunication Department, the benefits under the scheme prepared for absorption of casual workers. The learned Solicitor General of India has contended that the appellants have no objection to the enforcement of the scheme as the authorities are themselves doing, but the difficulty arises on account of the observations and directions issued by the Tribunal in paragraphs 9 and 10 of the impugned judgment to the effect that the work has to be given to the casual workmen according to their seniority in the list which should be prepared on an all-India basis. The appellants are maintaining seniority lists on Divisional basis which has been disapproved by the Tribunal. In support of his stand, the learned counsel argued, that in view of the engagement of casual labour in the different parts of the country it is not practicable for the Department to maintain a single seniority list for the entire country with respect to the casual workmen, nor will it be practical for these workmen to travel from one part of the country to another for obtaining a job of the kind which is available to casual workmen. The engagement of such workmen is made on local basis from time to time according to the pressure of work and it is impossible to collect the necessary data and circulate the same throughout the country for allotment of work on the basis of all-India seniority. The learned counsel for the respondents has strenuously contended that if this is not done the respondents are likely to suffer serious prejudice. We have considered the problem closely and we hold that the appellants are right. Accordingly we allow the appeal and set aside the direction of the Central Administrative Tribunal so far it directs preparation of list on all-India basis for the aforesaid persons and to allot work to the casual workmen accordingly. There will be no order as to costs.

Appeal allowed.

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