UNION OF INDIA AND ORS. A

v.

MUNIM SINGH AND ORS.

SEPTEMBER 3, 1992

[LALIT MOHAN SHARMA, S. MOHAN AND B
N. VENKATACHALA, JJ.]

Labour and Services:

Casual workers in Telecommunication Department—Scheme for absorption—Seniority list maintained on Divisional basis—Direction of Tribunal for preparation of list on All-India basis—Validity of. C

On an application filed by the respondents, who were engaged as casual workmen in the Telecommunication Department, the appellants were directed by the Central Administrative Tribunal, to pay the respondents the benefits under the scheme prepared for absorption of casual workers, and directed them to prepare seniority list on all-India basis and give work to the workmen accordingly. D

Against the Tribunal's order, the appellants filed an appeal before this Court, contending that while the appellants had no objection to the enforcement of the scheme as they themselves were doing, difficulty arose on account of the observations and directions issued by the Tribunal that the work had to be given to the casual workmen according to their seniority in the list which should be prepared on an all-Indian basis. E

On behalf of the respondents it was contended that if the Tribunal's order in regard to preparation of seniority list on an all-India basis was not done and work allotted accordingly, the respondents were likely to suffer serious prejudice. F

Allowing the appeal, this Court, G

HELD: The appellants are maintaining seniority list on Divisional basis, which has been disapproved by the Tribunal. 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 would it be practi- H

A **cal for these workmen to travel from one part of the country to another for obtaining a job of the kind which was availale 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 allot-**
B **ment of work on the basis of all-India seniority. [406-H; 407-A,B]**

In the circumstances, the direction of the Tribunal to prepare a list on all-India basis of the casual workmen and to allot work to them is set aside. [407-C]

C CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3792 of 1992.

From the Judgment and Order dated. 2.8.1991 of the Central Administrative Tribunal, New Delhi in Original Application No. 1476 of 1990.

D V.R. Reddy, Addl. Solicitor General, Anil Katiyar, C. Ramesh and C.V.S. Rao for the Appellants.

Mrs. Rani Chhadra and A.P. Mohanty for the Respondents.

The Judgment of the Court was delivered by

E **SHARMA, J.** Heard the learned counsel for the parties. Special leave is granted.

By this appeal the appellants are challenging the judgment of the Central Administrative Tribunal, New Delhi, directing them to pay the
F respondents, who were engaged as causal 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
G 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,
H 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 through out 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.

A B C

N.P.V. Appeal allowed.