

(V)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-3278/2002
MA-2840/2002

New Delhi this the 20th day of December, 2002

Hon'ble Dr. A. Vedavalli, Member(J)

1. Sripal,
S/o Sh. Bhim Singh,
R/o B-132, Gharoli Diary Farm,
Kondli, Delhi.
2. Kapil Dev,
S/o Sh. Baleshwar Paswan,
R/o RZ 278, Kailash Puri,
West Ghali No.9C,
Palam Colony, New Delhi.
3. Vinay Paswan,
S/o Sh. Mahadev Paswan,
R/o R-Z166-B, Ghali No.9B,
Kailash Puri West, New Delhi.
4. Jagdish Prasad,
S/o Sh. Jangli Prasad,
R/o B-438, West Vinod Nagar,
Mandaoli, Delhi. Applicants

(through Sh. Shail Kumar Dwivedi, Advocate)

Versus

1. Union of India through
Secretary,
Ministry of Personnel
Public Grievances & Pension,
North Block, New Delhi.
2. The Director of Estates,
Directorate of Estates,
4th Floor, C Wing Nirman Bhawan,
New Delhi. Respondents

ORDER (ORAL)

Hon'ble Dr. A. Vedavalli, Member(J)

Heard.

2. MA-2840/2002 for joining together in one
application is allowed.

3. The 4 applicants in this OA claim that
they are engaged as casual labourers by the respondents

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pursuant to the Office Order No.A.12012/1/98-Admn.B dated 29.10.2002 (Annexure A-1(11)). The said Office Order reads as under:-

No.A.12012/1/98-Admn.B
Government of India
Directorate of Estates

Nirman Bhavan, New Delhi.
Dated, the 29th Oct., 02

OFFICE ORDER

"Sanction is hereby accorded to the employment of following Casual labourers for eviction purpose for the period mentioned against their names on 'No Work No Pay' basis @ Rs.111.60/- (Rupees one hundred Eleven and paise Sixty only) per day in accordance with N.C.T. of Delhi letter No.F-13(13)/96-FIN(G)179-278, dt. 7-6-2000. The rate is inclusive of the payment of two weekly holidays for which no separate payment is to be made.

Sl.No.	Name	Period
1.	Sh. Sripal	9-11-02 to 8-2-03
2.	Sh. Vinay Paswan	10-11-02 to 9-2-03
3.	Sh. Kapil Dev	-do-
4.	Sh. Jagdish Prasad	-do-

(JAMNA DAS)
DEPUTY DIRECTOR(Estt.)

To

The Pay & Accounts Officer
U.D.&P.A.(Estates)
Nirman Bhavan, New Delhi

Copy to:-

1. Asstt. Director of Estates(Cash/Litigation/Admn.A).
2. Office order folder.

(MERCY EPAO)
Asstt.Director(Admn-'B')"

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4. Learned counsel for applicants submits that as per the aforesaid order it is clear that their term of engagement will continue till 8.2.2003 regarding Applicant No.1 and 9.2.2003 regarding the other three applicants. While so, the respondents have issued the impugned order dated 25.11.2002 (Annexure A-4) giving the applicants a notice that their services will be discontinued w.e.f. 24.12.2002 as no work is left for them in their Directorate. Learned counsel submits that the aforesaid order is illegal since the order dated 29.10.2002 is quite clear regarding the term of their engagement and their services are being terminated before the expiry of their tenure. On a query from the Bench he submits that the applicants have not submitted any representation till now against the impugned order and have approached this Tribunal by filing this OA in view of the extreme urgency in the matter. He prays that the OA may be disposed of at the admission stage itself with a direction to the respondents to treat the same as a representation from the applicants and dispose of in accordance with law within a particular time to be fixed by the Court.

5. In the facts and circumstances of this case and on a consideration of the matter, the OA is being disposed of at the admission stage itself with the following directions to the respondents:-

- (a) Respondents are directed to treat the present OA itself as a representation

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from the applicants regarding their proposed termination by the impugned order dated 25.11.2002 (Annexure A-4). They shall consider the same on its merits in the light of the relevant rules, instructions and judicial pronouncements on the subject and dispose of the same with a detailed and speaking order in accordance with law within two months from the date of receipt of a copy of this order.

(b) In case any grievance survives further, thereafter applicants are given liberty to approach this Tribunal again in appropriate fresh original proceedings, if so advised, in accordance with law.

(c) Respondents are directed to keep the operation of the impugned order dated 25.11.2002 (Annexure A-4) in abeyance till the disposal of their representation.

(d) Registry is directed to send a copy of this OA alongwith a copy of this order to the respondents.

(Dr. A. Vedavalli)
Member (J)

/vv/