

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 81 of 2002

New Delhi, this the 21st day of May, 2003

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Suresh Kumar
S/o Shri Nathi Ram
R/o Qr.No.12, Double Story,
Harijan Colony, Tilak Nagar,
Delhi-110018.

-APPLICANT

(By Advocate: Shri M.K. Gaur, proxy counsel for Shri U. Srivastava, Counsel)

Versus

Union of India through
Secretary to the Government of India
Department of Culture,
Shastri Bhawan,
New Delhi.

-RESPONDENTS

(By Advocate: Shri Rajinder Nischal)

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

This is a second round of litigation.

Applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985, as he is aggrieved of the inaction of the respondents in not considering and finalising the case of the applicant for re-engagement as a casual labour against juniors and outsiders.

2. Facts in brief are that the applicant was engaged as a casual labourer w.e.f. 12.5.1998 and he worked there for about 273 days from May, 1998 to February, 1999. Thereafter he was disengaged on 5.2.99.

3. The applicant further claims that he has come to know that some junior persons have been engaged ignoring his claim so he prays that the applicant should



be re-engaged in preference to juniors and freshers and he should also be regularised in the service.

4. The OA is being contested by the respondents. The respondents submitted that the work against which the applicant was engaged was of intermittent and temporary nature and the same is over, so there is no vacancy available with the respondents to engage or employ the applicant. The respondents submitted that the applicant has worked during May, 1998 to February, 1999 but only for 173 days and not for 273 days as claimed by the applicant.

5. It is further stated that the respondents have not engaged any junior or fresher daily wager as waterman from April 2002 to May, 2002, as alleged by the applicant, so it is prayed that the OA be dismissed.

6. I have heard Shri Gaur, proxy counsel for the applicant and Shri Rajinder Nischal, Counsel for the respondents.

7. On the plea that earlier also the applicant had filed an OA No.2669/99 wherein directions were given to the respondents to take a decision with regard to conferment of temporary status and respondents were also directed to look into the allegation of employment of someone else in his place and subject to availability of



work and the requirement of natural justice, consider re-engaging the applicant at any time in future. No complaint is made by the applicant against compliance of the order. The respondents have categorically stated that the work is not available and no other person is engaged at all so I find that since there are already directions passed by the Tribunal to the respondents, so no interference is called for.

8. In view of the above, OA has no merits and the same is dismissed.


(KULDIP SINGH)
MEMBER(JUDL)

/Rakesh