



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

Chandigarh, this the 30th January, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A)

I. O.A. No.060/0128/2019

1. Pooran Mal Saini aged 28 years S/o Shri Rameshwar Prashad Saini, R/o Village Itawa Bhopji, Tehsil Chomu, District Jaipur, Rajasthan, 303804.
2. Ranjeet Kumar aged 35 years S/o Shri Chandramoli Prasad Singh R/o Village and Post Office Rajabigha, Police Station Narhat, District Nawada, Bihar – 805122.
3. Tarun Kumar aged 28 years S/o Sh. Indrasen Sharma, R/o Maghadh Colony, Road No. 02, Chandauti More, Gaya, Bihar – 823001.
4. Raj Kumar Singh aged 34 years, S/o Shri Chandra Shekhar Pd. Singh R/o Shobha Niwash, East Bhojpur Colony, Ramlakhan Path, Ashok Nagar, Patna Bihar, - 800020.
5. Amit Raj Verma aged 33 years, S/o Shri Ashok Kumar Verma, R/o Karma Niwas Gannipur, Mishra Rola, District Muzaffarpur, Bihar, - 842001.
6. Manoj Kumar Chaudhary aged 34 years S/o Shri Parsnath Chaudhary R/o Village and Post Office Kohua Paiganbarpur, Shri Krishna Nagar Colony, Muzaffarpur, Bihar – 843103.
7. Santosh Kumar aged 35 years S/o Shri Brinda Prasad Sahu R/o House No. 2094, Sector 6-D, Bokaro, Jharkhand – 827006.
8. Junaid Alam aged 34 years S/o Shri Abdul Manan R/o Adang Vagar lane No. 1, Majhulia, Post Office Kharba, Police Station Sadar Near 5 Number Railway, District Muzaffarpur, Bihar – 843103.



9. Ravat Satish Kumar Rajnath aged 40 years S/o Raj Nath Ravat R/o House No. 95, Society Chawl, Near Jantan Nagar, A.E.C. Road Amraiwadi, Ahmedabad – 380026.
10. Manoj Kumar aged 36 years S/o Shri Sadhu Prasad R/o House No. 1173, Sector 8-A, Bokaro, Jharkhand, 827009.
11. Rambabu Dhangar aged 29 years S/o Shri Radheyshyam Dhangar R/o Village and Post Office Amlar, Tehsil Pachore, District Rajgarh, M.P- 465680.
12. Ranjit Vasava aged 44 years S/o Shri Superbhai Vasava R/o A-3 Aakash Park, Kailash Farm Road, ear Vaghasi Railway Crossing, Anand, Gujarat- 388001.
13. Hemlatta Shrimali aged 48 years W/o Shri Ramesh Chandra Shrimali R/o B-409, Parvati Nandan Park, Ujala Circle Sarkhej, Ahmedabad – 382210.
14. Sunil Kumar aged 31 years s/O Shri Brahmadeo Prasad Mandal R/o Ramnagar Lard No. 25, D.S. College Road Kaihar, District Kaithoo, Bihar – 854105.
15. Ankit Kumar aged 29 years S/o Shri Rasik Lal R/o M/47/557, Ambica Apartment Shastri Nagar Naraynpura, Ahmedabad-380005.

All applicants are in "Group B"

....Applicants

(BY: MR. ARUN TAKHI, ADVOCATE)

Versus

1. Union of India through its Secretary, Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.
2. The Director General, Department of Labour Bureau, SCO 28-31, Sector 17 A, Chandigarh – 160017.
3. Under Secretary, Department of Labour Bureau, SCO 28-31, Sector 17-A, Chandigarh – 160017.

..... Respondents



(BY: MR. SANJAY GOYAL, ADVOCATE)

II. O.A. NO. 060/00157/2019

Amit Kumar Srivastava aged 31 years S/o Shri Kedar Nath Srivastava R/o House No. 80, WN-1 Bhikhampur Road Deoria (U.P.) Pin Code 274001.

.....Applicant

(BY: MR. ARUN TAKHI, ADVOCATE)

Versus

4. Union of India through its Secretary, Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.
5. The Director General, Department of Labour Bureau, SCO 28-31, Sector 17 A, Chandigarh – 160017.
6. Under Secretary, Department of Labour Bureau, SCO 28-31, Sector 17-A, Chandigarh – 160017.

..... Respondents

(BY: MR. SANJAY GOYAL, ADVOCATE)

III. O.A. NO. 060/00163/2019

Bhim Prakash Suman aged 42 years S/o Late Shri Hori Lal R/o Vilage Ahroli, Post Office Kasganj, District Kasiram Nagar (U.P.) - 207123

.....Applicant

(BY: MR. ARUN TAKHI, ADVOCATE)

Versus

1. Union of India through its Secretary, Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.
2. The Director General, Department of Labour Bureau, SCO 28-31, Sector 17 A, Chandigarh – 160017.
3. Under Secretary, Department of Labour Bureau, SCO 28-31, Sector 17-A, Chandigarh – 160017.

..... Respondents**(BY: MR. SANJAY GOYAL, ADVOCATE)****O R D E R(Oral)****SANJEEV KAUSHIK, MEMBER (J):**

1. This order shall dispose of the three above captioned OAs as the question of law involved and the relief claimed in these OAs is similar. For the sake of convenience, the facts are taken from O.A. No. 060/00128/2019 titled Pooran Mal Saini & Others Vs. Union of India and Others.

2. Applicants were working with the respondents on contract basis against a particular Scheme under the Govt. of India. Their services were dispensed with, on completion of their contract. The grievance of the applicants, as quoted before this Court is that since the respondents are continuing with another such Scheme and are appointing persons on contact basis, therefore, they be directed to consider, at the first instance, the applicants herein for continuing with the respondents as they have experience of working with them. It has also been argued by the learned counsel for the applicants that one set of contractual employees cannot be replaced by another set, as laid down by the Hon'ble Jurisdictional High Court in the case of **Shiv Kumar and Another Vs. State of Haryana and Another**, 2017 (2) RSJ 333. He has also cited an order dated



19.12.2019 passed by this Court in case of **Ravinder Singh & Others Vs. Union of India & Others** (O.A. No. 060/00629/2019), whereby the respondents were directed to consider the applicants therein, who are similarly placed like the applicants herein, for appointment on contract against the vacancies, in the first instance, if they are otherwise suitable and have requisite qualification for the post. Therefore, it is prayed that a direction on the same lines be issued to the respondents in this case as well.

3. Mr. Sanjay Goyal, learned counsel for the respondents argued that a categoric stand has been taken in the written statement that the contracts of the applicants have expired way back on 31.07.2018 and that the Govt. has taken a conscious decision not to continue with the ad hoc Scheme of AFES in the present form beyond 31.03.2019. He also submitted that no other contract appointments are being made by the respondents.

4. In view of the specific stand taken by the respondents, as argued by learned counsel for the respondents, the prayer of the applicants cannot be accepted. However, if the respondents start with any other such Scheme and appoint persons on contract for that then they shall consider the applicants, at the first instance, for



appointment on contract, if they are otherwise suitable and have not acquired any ineligibility.

The O.As stand disposed of. No costs.

(Ms. Naini Jayaseelan)
Member (A)

(Sanjeev Kaushik)
Member (J)

Place: Chandigarh
Dated: 30.01.2020

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