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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1214/2001
M.A.No.1041/2001

Monday, this the 14th day of May, 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Jai Kishan
S/O Ballu Ram
R/O Chatia Autia
PO Panchi Jattan
Tehsil & Distt. Sonepat
Haryana.

2. Ram Lal
S/O Sham Lal
R/O A-119, Pappan Kalan
Sector-7, Palam
Delhi-54.

..Applicants

(By Advocate: Shri B.K.Punj)

Versus

1. Union of India through
Secretary, Ministry of Defence,
South Block, New Delhi.

2. Controller of Defence Accounts,
R.K.Puram, New Delhi.

Tihar, New Delhi-64.

3. Controller, Defence Accounts (R & D),
L Block, New Delhi.

4. The Administrative Officer
Deputy Controller DCDA-RND
Metalf House,
Delhi-54.

..Respondents

O.R.D.E.R (ORAL)

Heard the learned counsel for the applicants and
perused the material placed on record.

2. MA-1041/2001 filed by the applicants for joining together in a single application is allowed.

3. The applicants initially engaged as casual Peons in February, 2001 ~~and~~ continued to work right through upto March, 2001 in the same capacity. Their services have been dispensed with by an oral order of 8.3.2001. Hence this OA.

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4. According to the learned counsel appearing for the applicants, both the applicants have worked in each of the years of their employment for more than 240 days barring 1994 in which year, none of them completed 240 days of service (Annexure A-3 collectively). There have been interruptions in the services rendered by the applicants, however.

5. The applicants have not placed on record any letter of appointment nor ~~the~~ letter of termination of service. According to the learned counsel, the applicants were appointed as well as they ~~were~~ terminated on oral basis. Conferment of temporary status on them on the basis of the services rendered is not one of the reliefs claimed. The prayer made is for reinstatement and for regularisation.

6. The applicants have not filed any representation for the consideration of the respondents. They do not contend that any junior to them has been retained in service for working as casual Peons. Apparently, there is no regular vacancy available. At any rate, the applicants have not ^{referred to the existence of any} ~~applied for~~ post in this regard. Regularisation in service can take place only when clear vacancies exist and the normal procedure for recruitment is followed. In the circumstances, the best that can happen to the applicants is to get re-engaged as and when work of a casual nature becomes available again in the office of the respondents.

7. For the reasons mentioned above, I am inclined to feel that the ends of justice will be met by disposing of

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this OA at this ~~minimum~~ stage itself even without issuing notices by directing the respondents to consider the claim of the applicants for reengagement as and when work of a casual nature becomes available in their organisation in preference over juniors/outsiders/freshers. The respondents are directed accordingly.

8. The OA is disposed of in the aforesated terms.
No costs.

9. Registry is directed to send a copy of the OA along with this order.

S.A.T. Rizvi

(S.A.T. Rizvi)
Member (A)

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