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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Hon'ble Shri Shanker Raju, Member (Judicial)

O.A.No.1539/2001
M.A.No.1312/2001

New Delhi, this the 13th day of September, 2001

1. Raj Kumar Prajapati
s/o Shri Maman Chand
696, Kheragarhi, Khera Kalan
Delhi - 110 082.
2. Gopal Giri
s/o Shri Gangagiri Goswami
RZ-135A, Matiyala Bindapur
Uttam Nagar
Delhi.
3. Satish Kumar
s/o Shri Ramphal Singh
3/19, Rashtrapati Bhawan Servants' Qrs
New Delhi - 110 014. Applicants

(By Advocate: Dr.Surat Singh)

Vs.

1. Union of India
through The Secretary
Ministry of Health & Family Welfare
Govt. of India
Nirman Bhawan
New Delhi.
2. Under Secretary
Minstry of Health & Family Welfare
Department of Welfare
Government of India
Nirman Bhawan
New Delhi. Respondents

(By Advocate: Shri S.K.Gupta)

O R D E R(Oral)

By Shanker Raju, Member (J):

Heard both the parties.

2. MA for joining together is allowed.

3. The OA is disposed of at the admission stage.

4. Briefly stated the applicants have been working as Casual Labourers with the respondents. As per the respondents' policy one casual labour should not be engaged more than 200 days. It is the contentions of the applicants that they are depriving to complete 206/240 days of service to get the temporary status as per the Scheme of DoPT of 1993. The learned counsel for the applicants states that by an order of this Court on 19.6.2001 the respondents directed to maintain the status-quo in respect of the applicants. Dasti notices have been served to the respondents on 20.6.2001. It is his grievance that the respondents despite served notices dispensed with the services of the applicants retrospectively by issuing antedated order on 19.6.2001 and the applicants have been terminated w.e.f. 15.6.2001. Drawing my attention to Annexure A/3 which appears to be an order sheet/notes P-5/N and notes P-19/N that there have been 8 vacancies against 4 of which the applicants tenure was extended upto 5.6.2001 and after their tenure it has been suggested that four more persons to be engaged as casual labourers initially for a period of 89 days. In this back ground it is stated that the respondents are still having work with them and as well as vacancies.

5. Strongly rebutting the contentions of the applicant, the learned counsel for the respondents states that whatever has been brought on record are the internal communications of the respondents for which the applicants had liable for taking action for a disciplinary proceedings. But however he states that they had not been done any wilful disobedience of

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this Court directions as the applicants have been refused to give of work w.e.f. 11.6.2001 and as their 200 days over their tenure was upto 5.6.2001 their services have been dispensed with by an order dated 19.6.2001 and that is much before the dasti notices of this Court have been served. However, it is also stated the services of applicants No.2 and 3 have been terminated w.e.f. 11.6.2001.

6. Having carefully considered the rival contentions of both the parties. The present OA is disposed of with a direction, in view of the Annexure-A3, to the respondents to consider the re-engagement of the applicants as and when the work is available in preference to their juniors and outsiders and freshers and if they confirm the eligibility criteria laid down as per the DoPT's Scheme of 1993 within three months from the date of receipt of a copy of this order. In the event if there is no availability of work with the respondents within the aforesaid stipulated period, the respondents shall pass a detailed speaking order within the aforesaid period. However, the above direction does not come in the way of the respondents to engage the applicants, in accordance with rules, if the work is available, even after the aforesaid period.

S. Raju

(SHANKER RAJU)
MEMBER(J)

/RAO/