

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. NO. 1911/2001

NEW DELHI THIS 22ND DAY OF MARCH 2002

HON'BLE SHRI GOVINDAN S TAMPI MEMBER (A)

John S/o Sh. D Prasad,
R/o WZ-799/3, Palam Village,
4-5 Near Shiv Mandir,
New Delhi

.....Applicant

(By Sh. U. Shrivastava, Advocate)

VERSUS

1. Union of India through
Min. of Human Resources & Development,
Department of Culture,
Govt of India, New Delhi
2. The Director,
Anthropological Survey of India,
Camp Office, West Block, Wing No.6,
First Floor, R K Puram,
New Delhi
3. The Head of Office,
Anthropological Survey of India,
27, Jawaharlal Nehru Road,
Calcutta -16

.....Respondents

(By Sh. Rajinder Nischal, Advocate)

O R D E R (ORAL)

Applicant challenges the inaction of the respondents for not re-employing his services as Casual Labour.

2. S/Shri U. Shrivastava and Rajinder Nischal appeared for the applicant and the respondents respectively during the oral submissions.
3. The applicant who was engaged as a casual worker with the respondents, in October 1996, continued to work with them intermittently upto September 1998, for a

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period of 528 days. OA No. 2035/98, filed by him, following his oral termination, was disposed of by the Tribunal on 28.4.99, rejecting his plea for grant of temporary status but directing the respondents to consider his case of re-engagement as and when work was available in preference to his juniors and freshers; keeping in mind his previous service. Applicant's representation dated 14.5.99, did not evoke any response. Applicant's CWP dated 1100/2000 was dismissed by the Hon'ble Delhi High Court on 13.3.2000. His review petition No. 7970-71/2000, met the same fate on 15.9.2000. Thereafter he filed SL Appeal CL159/2001, but withdraw it on 23.2.2001. This was followed by a fresh application dated 8.3.2001, seeking re-engagement has not been responded to. Hence this OA. According to the applicant whose please are reiterated by Sh. U. Srivastava, the respondents have not given effect to the directions of the Tribunal issued on 28.4.99, while they have appointed someone else similarly placed.

4. According to Sh. Rajinder Nischal, appearing on behalf of the respondents the respondents had not violated any orders of the Tribunal. They have been directed ^{by the Tribunal} to re-engage his services, when the work was available. When there was no work, the question of his re-engagement did not arise. Learned counsel also points out that the applicant had acted in a manner, which showed him to be an unreliable employee. The applicant has no case and OA deserved to be dismissed, prays Sh. Nischal.

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5. On examining the rival contention, I find that the Tribunal's direction, while disposing of OA No. 2035/98 on 28.4.99 was to consider the applicant's re-engagement as a casual worker, if work was available and in preference to juniors and freshers. According to the applicant, the direction have not been given effect to by the respondents who have appointed someone else. The applicant shall ^{therefore} be entitled for re-engagement in service as a casual labour and his right for the same is in preference to any of his juniors and freshers.

6. In the result, I dispose this OA with directions to the respondents to consider re-engagement of the services of the applicant as a casual labour, in the event of any of his juniors/freshers has been engaged by them. This shall be done within two month from the date of receipt of a copy of this order. No costs.

(Govindan S. Tampi)
MEMBER (A):

Patwal/