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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.3174/2001

New Delhi this the 6th day of August, 2002.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

1. Shri Parmod Kumar Jha,
S/o Sh. Jayanand Jha,
R/o A-685, Jawala Puri No.4,
Nangloi, Delhi-110087.

2. Sh. Baij Nath,
S/o Shri Laxman,
R/o 371, Krishi Kunj,
Type-II, Pusa,
New Delhi-110012.

3. Sh. Umesh Singh,
S/o Sh. Rameshwar Singh,
C-77, Sector-24,
Rohini, Delhi-85.

-Applicants

(By Advocate Shri Sundeshwar Lal)

-Versus-

Union of India through:

1. The Secretary,
through its Director General,
Indian Council of Agriculture Research,
Krishi Bhawan,
New Delhi.

2. The Director (Admn.),
Delhi Indian Agricultural Research Institute,
Pusa Campus,
New Delhi.

-Respondents

(By Advocate Shri Ashish Kalia)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Heard the parties. Claim of the applicants, who had earlier worked with the respondents as daily wagers, is to include their names in the seniority list and for re-engagement as well as accord of temporary status and regularisation. The learned counsel for the applicants placed reliance on a decision of the coordinate Bench in OA-2085/99 - Amar Nath Choudhry & Ors. v. Union of India & Anr., decided on 11.5.2000 wherein similarly circumstance applicants who have not responded to the Press notification

on the basis of the decision of the coordinate Bench directions have been issued to consider them for appointment as casual labourers against future vacancies in preference to the fresh employees on verification of their record and as per the rules. Learned counsel states that his case is on all four covered by the aforesaid decision.

2. On the other hand, respondents' counsel Shri Ashish Kalia objected to maintainability of the OA on the ground of limitation and contended that as the applicants had failed to respond to the Press notification by 31.10.93 they have no right to be included in the seniority list, which is the basis for further engagement and accord of temporary status. In so far as challenge to office order dated 3.1.95 is concerned, it is stated that in the absence of impleadment of the affected parties OA is bad for non-joinder of proper and necessary parties.

3. I have carefully considered the rival contentions of the parties and perused the material on record. The claim of the applicants against the impugned order dated 3.1.95 being of 1995 cannot be countenanced as applicants have failed to implead those who are likely to be affected.

4. In so far as limitation is concerned, in view of the decision of the coordinate Bench in OA-2085/99 (supra) and in OA-837/2001 - Kuldeep Rai & Ors. v. Union of India & Anr. decided on 2.11.2001 wherein objection regarding limitation has been rejected and the fact that the present case is on all four covered by the aforesaid decision, I deem it proper in the interest of justice to dispose of this OA by directing the respondents to consider

the applicants for appointment as casual labourers, subject to availability of work and against future vacancies in preference to fresh employees on verification of their record, in accordance with rules and instructions on the subject. No costs.

S. Raju
(Shanker Raju)
Member (J)

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