

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 79/2001
MA No. 51/2001

New Delhi this the 10th day of January, 2001

HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

1. Shri Suraj ~~Pal~~ ^{Mal} S/o Shri Chajju Ram
R/o House No. 89, Block 'O' Extension,
Geeta Enclave,
Vani Vihar, Uttam Nagar,
Delhi.
2. Shri Surender Singh S/o Shri Munshi Ram
R/o House No. RZ/46/2c,
Gali No. 2,
West Sagarpur, New Delhi - 110046. ... Applicants

② corrected vide
orders dt. 8.9.2003
in MA 1601/2003.
OA 79/2001.

11/9/03

(By Advocate : Shri M.K. Bhardwaj)

VERSUS

Union of India through

1. The Secretary
Ministry of Defence
South Block,
New Delhi.
2. The Director General,
Directorate General of Sup. & Transport
Army Head Quarter,
DHQ, P.O. New Delhi - 110 001.
3. The Administrative Officer
(OC) 390, Company, Army Service Core,
Supply Depot, C/o 56 APO,
Hissar Cantt. (Haryana). ... Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi, Member (A) :

✓ MA 51/2001 filed by the applicants for joining
together is allowed.

2. In this OA, the two applicants have worked as
casual labourers in the respondents' set up for
varying periods of time. For instance, the applicant
No.1 is stated to have remained engaged from 16.8.1986
right upto 31.12.1988 continuously for a period of

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more than two years. Thereafter, he was re-engaged after a gap of roughly 10 years with effect from 17.11.1998 and allowed to work till 4.12.1998. Similarly, the applicant No.2 worked on casual basis from May, 1991 to December, 1993 continuously and thereafter he was re-engaged with effect from 25.11.1998 and allowed to work till 4.12.1998. While the two applicants worked on casual basis as above, according to the learned counsel, several others junior to the applicants were engaged by the respondents from time to time again for varying periods of time. To the extent, the juniors and the freshers were so engaged, the claim of the applicants for engagement or re-engagement during the aforesaid period can be said to have been tacitly rejected by the respondents. The applicants are thereby aggrieved and hence this OA. The relief sought is a direction to the respondents to confer on the applicants all the benefits to which they are entitled on the basis of having completed more than 240 days of continuous service as casual labourers in the employ of the respondents. The prayer is also made for the conferment of temporary status in terms of the Scheme promulgated by the DOP&T in September, 1993.

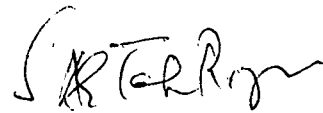
3. In the circumstances mentioned in the OA and on the basis of the pleadings of the learned counsel, I find that the requirements of justice will be fully met in this case by giving a direction to the respondents to consider the claim of the applicants for re-engagement on the basis of the length of

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service rendered by them under the respondents in preference over juniors, freshers and outsiders and to consider the further claim of the applicants for regularisation etc. in terms of the Scheme dated 24.08.1993 placed on record at page 14 of paper book. The respondents are directed accordingly. They are also required to scrutinize their record and to consider the claim of the applicants and to take a decision thereon as expeditiously as possible and in any event within a period of three months from the date of receipt of a copy of this order, In-so-far as the conferment of temporary status and the claim for regularisation is concerned. The respondents are also directed to re-engage them as and when work of a casual nature becomes available, and they should do so in preference over juniors, freshers and outsiders taking into account the length of service rendered by the applicants under the respondents.

4. The OA is disposed of in the aforestated terms at the admission stage itself. No costs.

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



(S.A.T. RIZVI)
MEMBER (A)

/ravi/

from MA for nipkante 7 order