

9

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 837/2001
M.A. No. 707/2001
M.A. No. 2353/2001

New Delhi this the 2nd day of November, 2001

Hon'ble Shri Shanker Raju, Member (J)

1. Shri Kuldeep Rai,
S/o Shri Ram Savak Rai,
Chiriya Colony, IARI PUSA,
New Delhi-110012.
2. Shri Bholal Lal
S/o Shri Mahadev Lal,
I-24, Chiriya Colony,
IARI, PUSA,
New Delhi-110012.
3. Shri Dhanpat Singh,
S/o Shri Tek Chand,
R/o H.No. 80, Vill. Dasghara,
Near Toda Pur, New Delhi.

-Applicants

(By Advocate: Shri Sundeshwar Lal)

Versus

1. Union of India,
Through its Director General,
Indian Council of Agriculture Research,
Krishi Bhawan,
New Delhi-110001.
2. The Director (Admn.)
Delhi Indian Agricultural Research Institute,
Pusa Campus,
New Delhi-110012.

-Respondents

ORDER (Oral)

MA-2353/2001 for correcting the error is rejected on the ground that applicant has not assailed the impugned order as contended by them.

2. MA-707/2001 for joining together is allowed.
 3. The claim of the applicant is not disputed that
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10

they had worked earlier in the past with the respondents on casual basis. The respondents have conferred temporary status on the similarly circumstance casual labourer in the past. The only impedement and objection of the respondents is with regard to the belated claim of the applicant. It is also stated that the application is barred by limitation as envisaged under Section-21 of the AT Act. It is contended that in pursuance of a fresh Notification where a decision has been taken to re-engage a casual worker who had earlier worked with the respondents, the respondents had not responded to the same and now after a gap of about six years, the claim is highly belated. It is further stated that the Memorandum dated 20.5.98 annexed at Annexure-RA pertains to Bihar and this court has no jurisdiction to deal with the matter.

4. However, from the perusal of a Division Bench decision in Shish Pal Singh Vs. ICAR in OA 311/95 and connected OAs decided on 18.9.95, the similarly situated casual workers have been directed to be considered for re-engagement and further benefits on availability of work and further accord of temporary status. It has been further held in several decisions of this court rejecting the claim of the respondents on limitation that the applicants are considered and their names are included at the bottom of the seniority list maintained by the respondents and further consideration for re-engagement following the ratio of the Division Bench, I agree with the decision referred by Single Bench.

(3)

5. The present OA is disposed of at the admission stage itself by directing the respondents to place the name of the applicant at the bottom in the seniority list as maintained by them. The respondents shall also consider the claim of the applicant for re-engagement on availability of work after verifying the services rendered by them in the past. The applicant shall also be considered for accord of temporary status if he qualify the requisite criteria as laid down by the scheme and extant instructions. The aforestated directions shall be complied with by the respondents within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju

(Shanker Raju)
Member (J)

cc.