

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**C.P. No.81/2004
In**

OA No.79/2001

New Delhi: this the 28th day of September, 2006

HON'BLE JUSTICE MR. M.A. KHAN, VICE CHAIRMAN (J)
HON'BLE MR. V.K. AGNIHOTRI, MEMBER (A)

1. Suraj 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.

...Applicants.

(By Advocate: Shri M.K.Bhardwaj)

Versus

Union of India & Ors.
Through

1. Ashok Suprenium
The Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Vinay Kumar
The Director General,
Directorate General of Sup. & Transport
Army Head Quarter,
DHQ, P.O. New Delhi-01.
3. S. Kumar
The Administrative Officer
(OC) 390, Company, Army Service Core,
Supply Depot, C/o 56 APO,
Hissar Cantt. (Haryana)

.....Respondents.

(By Advocate: Sh. S.M.Arif)



ORDER (ORAL)

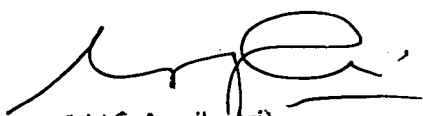
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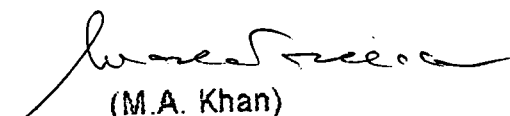
Hon'ble Justice Mr. M.A.Khan, Vice Chairman (J)

By order dated 10.01.2001 in OA No. 79/2001, the respondents were directed, *inter alia*, to re-engage the applicants as and when the work of the casual nature becomes available and they would be engaged in preference over juniors, freshers and outsiders taking into account the service rendered by them under the respondents.

2. In the counter affidavit, the respondents have stated that no vacancy was available and they have not engaged any freshers, outsiders or juniors to the applicants. Learned counsel for the respondents has stated at the bar and has also produced a certificate which is issued by the Lt.Col/Major, Commanding Officer, which shows that respondents have not employed any fresher, outsider and junior to the applicant as casual labour/daily *ad hoc* labour after the order of the Tribunal was passed

3. Learned counsel for the applicant has stated that record may be called from the respondents to ascertain whether anyone has been engaged without considering the case of the applicant. We cannot make roving inquiry into this case to find out for the applicant whether somebody has been engaged or not. The respondent's competent authority has filed affidavit in support of the facts stated in the reply. It is also stated that as and when the vacancy becomes available, applicants will be re-engaged in terms of the order of the Tribunal. For the reasons stated in the application, we do not think that there is any case of disobedience of the order of this Tribunal by the respondents for which they should be punished. Accordingly, CP is dismissed and notices are discharged.


(V.K. Agnihotri)
Member (A)


(M.A. Khan)
Vice Chairman (J)

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