

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.113 of 1999

New Delhi, this the 6th day of February, 2001.

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Usha Devi
w/o late Shri Anil Kumar
r/o House No.3995/7
Gali No.19
Ajit Nagar(Gandhi Nagar)
Delhi-31

-APPLICANT

(By Advocate: Ms.Meenakshi Singh, proxy for Mrs.Rani Chhabra)

Versus

1. Union of India
Through its Secretary
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs
Delhi
2. Commissioner
Customs and Central Excise
Commissionerate
Mangal Pandey Nagar
Meerut
3. Additional Commissioner(Vigilance)
Customs and Central Excise
Commissionerate
Meerut
4. Assistant Commissioner
Customs and Central Excise
Commissionerate
Meerut
5. Accounts Officer
Customs and Central Excise
Commissionerate
Meerut

-RESPONDENTS

(By Advocate: Shri H.K.Gangwani)

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

Applicant has filed this OA under Section 19 of the Administrative Tribunals Act, seeking following reliefs:

"(a) direct the respondents to engage the applicant in preference to juniors and outsiders; and

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(b) direct the respondents to confer temporary status upon the applicant w.e.f. she became eligible for the same"

2. Facts in brief are that applicant had been engaged by respondents as casual labourer to work on seasonal and intermittent nature of work from time to time. Applicant states that she had been continuously working under the respondents from 4.11.91 till 1994 with artificial breaks and had completed 206 days of continuous service in each year and as such, she is entitled for conferment of temporary status in accordance with Govt. of India Scheme 10.9.93. Applicant has alleged that after her disengagement, respondents have engaged number of freshers and juniors. She has given the names of certain persons in para 4.11 of the OA who are stated to be junior to her.

3. Respondents in their reply have admitted that the applicant was engaged in the office on daily wage basis to work on seasonal and intermittent nature of work from time to time. They have taken the plea that applicant's name was neither sponsored from the local employment exchange nor from any other employment exchange. It is stated that applicant was not engaged after 1994 and she is not entitled for regularisation or for grant of temporary status. However as regards the allegation that respondents have engaged certain juniors and freshers ignoring the preferential claim of the applicant for such engagement, respondents have preferred not to make any comment particularly in reply to para 4.11 of the OA. Thus the silence of the respondents does

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show that the work of seasonal and intermittent nature is still available with them and they are engaging freshers and juniors to meet their requirements.

4. Under the circumstances, I dispose of this OA with a direction to respondents that they shall consider the case of the applicant for re-engagement in preference to juniors and freshers. No costs.

Kuldeep
(KULDIP SINGH)
MEMBER(JUDL)

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