

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 1202/99 (MA 1064/99)

with

OA 1203/99 (MA 1065/99)

New Delhi this the 21st day of January, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
OA 1202/99

1. Manoj Kumar
S/0 Sh. Dhanna Ram
R/0 F 195, DDA Flat,
Sultanpuri, Delhi-41

2. Naresh Kumar
S/0 Sh. Kaptan Singh
r/0 347, Kanjwala,
Delhi-81

3. Ashok Kumar
S/0 Shri Ram Lal
r/0 Vill. Dasghara,
Totapur, New Delhi.

.. Applicants

(By Advocate Shri R.K. Shukla)

Versus

Union of India through

1. Secretary,
Ministry of Finance,
North Block,
New Delhi.

2. Revenue Secretary,
Ministry of Finance, North Block,
New Delhi.

.. Respondents

(By Advocate Shri Madhav Panikar)

OA 1203/99

1. Ajai Pal
S/0 late Sh. Mahipal Singh Rawat,
r/0 DZ 239, East Kidwai Nagar,
New Delhi.

2. Bhagwat Singh
S/0 Sh. Gopal Singh
r/0 Q 614, Sewa Nagar,
New Delhi.

3. Rohtas
S/0 Sh. Ram Dhan
r/0 347, Kanjwala,
Delhi-81

4. Sudhir
S/0 Sh. Hari Dayal Singh
r/0 S-34/146, Harijan Camp,
Lodi Road, New Delhi.

.. Applicants

(By Advocate Shri R.K. Shukla)

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1. Union of India, through
Secretary
Ministry of Finance,
North Block, New Delhi.

2. Revenue Secretary,
Ministry of Finance,
North Block, New Delhi.

.. Respondents

(By Advocate Sh.Madhav Panikar)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Both the learned counsel submit that the facts and issues and reliefs prayed for in the above 2 OAs are identical and hence the applications are being disposed of by this common order.

2. The brief relevant facts of the case which are not disputed are that, during the various period from 1992/1993 onwards with intermittent breaks, the applicants have been engaged as waterman - Casual labourers with the respondents till they were all disengaged and terminated from their services w.e.f. 15.10.1997. The main grievance of the applicants in the 2 OAs are that after they were disengaged in October, 1997, the respondents have arbitrarily and illegally engaged other persons, whom they claim are juniors and outsiders. They have also stated that the other persons, some of ^{the B} names mentioned in paragraph 4.5 of OA 1202/99, are not only juniors but they have been taken in place of applicants and have continued to work on regular basis. In the additional affidavit filed by the respondents dated 7.1.2000, they have stated that these other persons have been appointed against regular vacancies in the Department on the basis of their past performance and more number of days attendance as casual labourers. Neither of the parties have produced any list to prove the averments in the respective paragraphs of the O.A.

3. One relevant factor in the aforesaid two OAs is that in spite of the fact that the applicants have disengaged from services admittedly w.e.f. 15.10.97, none of them have made any representation thereafter till 6.5.99 and 10.5.99. These OAs have also been filed within 10 days thereafter on 20.5.99. Having regard to the provisions of Section 20 of the Administrative Tribunals Act, 1985, since the applicants have not exhausted the available remedies and not waited even for a reasonable period for the respondents to react on the representations, these applications are not maintainable.

4. In the above facts and circumstances of the case, these two OAs are disposed of leaving it open to the respondents to deal with the representations in accordance with law. In case, they have any work they may consider engaging the applicants in accordance with rules and instructions. No order as to costs.

Let a copy of this order be placed in OA 1203/99.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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