

Central Administrative Tribunal
Principal Bench

O.A. No. 1466 of 1999

New Delhi, dated this the 12th March, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Ms. Rachna Saxena,
4056, Saxena Building,
Ajmeri Gate,
Delhi.

... Applicant

(By Advocate: Shri K.C.D. Gangwani,
Sr. Counsel)

Versus

Union of India through

1. The Secretary,
Ministry of Labour,
Shram Shakti Bhawan,
New Delhi-110001.
2. The Director,
V.V. Giri Labour Institute,
Sector 24, NOIDA,
U.P.

.. Respondents

(By Advocate: Shri R.P. Aggarwal)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant seeks restoration to the post of Assistant Librarian & Information Assistant in National Labour Institute as on 31.3.99, followed by regularisation and other consequential benefits.

2. We have heard Shri K.C.D. Gangwani, Sr. Counsel for applicant and Respondents' counsel Shri R.P. Aggarwal.

3. It is not denied that one Shri Sujit Kumar was appointed as Asst. Librarian and Information Assistant on 12.8.94 in a project under

(18)

the National Labour Institute. Thereafter applicant was appointed and joined as Asst. Librarian & Information Asst. on 22.8.94. Shortly thereafter one Shri Sunil Upadhyay was also appointed as such on 15.9.94. These appointments were made initially for short periods of time, but it is not denied that all three continued till 31.3.99, on which date they were informed that their services would no longer be required.

4. There is some controversy whether their engagement from 1994 till 31.3.99 was made with short breaks or not, but there is no doubt that on 31.3.99 all three were informed that their services would not be required by respondents.

5. After the aforesaid three officials were informed that their services were not required beyond 31.3.99 Shri Sujit Kumar and Shri Sunil Upadhyay were re-engaged on daily wage basis from 5.4.99 till 9.7.99, while applicant was not reengaged, as it appears that she had sought some casual leave, vide her application dated 4.4.99 which is on record.

6. Meanwhile respondents had advertised the posts of Library & Information Assistant, against which all the aforesaid three persons applied.




7. Shri Sujit Kumar and one Ms. Babita were selected and appointed on 9.7.99, while applicant who qualified in the written test, was not successful at the interview stage.

8. We are informed that consequent to the closure of the project on 31.3.2000 for which Shri Sujit Kumar as well Ms. Babita had been ~~re~~^{re}engaged, they have been disengaged by respondents.

9. Shri Gangwani has pointed out that when all three of the aforesaid persons were informed that their services were not required w.e.f. 31.3.99, respondents should not have re-engaged Shri Sujit Kumar and Shri Sunil Upadhyaya on daily wage basis w.e.f. 5.4.99 to applicant's own exclusion, and merely because applicant had applied for a few days casual leave, was not sufficient reason to ignore her claims.

10. Shri Aggarwal states that as applicant had proceeded on leave while S/Shri Sujit Kumar and Sunil Upadhyaya were present and were available, ~~and~~^{and} they were appointed on daily wage basis, and in any case this arrangement continued only upto 9.7.99 after which appointments were made on the basis of selection made for which applicant also participated but was not successful.

11. In the light of the above facts and



20

circumstances, and now that Shri Sjit Kumar and Ms. Babita also stand disengaged, all that can be done for applicant at this stage is that if and when respondents are considering engaging persons for posts for which applicant, by reason of her experience and qualifications is suitable, respondents should also consider her claims, ~~same~~, in accordance with rules and instructions on the subject, provided she applies for the same. While doing so respondents should not lose sight of the fact that she has already served with respondents for a considerable length of time and has also received commendatory certificates.

12. The O.A. stands disposed of in terms of Para 11 above. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

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