

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

M.A. 1309/99 in

O.A. No. 1490/99

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T.A.No.

DATE OF DECISION 10-8-99

Sh.Manak Chand and Ors

....Petitioner

Sh.T.C.Aggarwal

....Advocate for
Petitioner(s)

VERSUS

UOI through DG
Doordarshan, Mandi House,
New Delhi.

....Respondent

Sh.R.P.Aggarwal

....Advocate for
Respondents.

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

The Hon'ble X Smt X

1. To be referred to the Reporter or not? YES
2. Whether it needs to be circulated to other Benches of the Tribunal? No.

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

Central Administrative Tribunal
Principal Bench

M.A. 1309/99,
O.A. 1490/99

New Delhi this the 10 th day of August, 1999

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

1. Shri Manak Chand,
S/o Shri Dilip Singh,
R/o D-66, Sudershan Park,
New Delhi.
2. Shri Surender Kumar,
S/o late Shri Chattar Singh,
R/o 1697, Kotla Mubarakpur,
New Delhi.
3. Shri Sukhbir Singh,
S/o Shri Bhagwan Dass,
R/o Vill & PO - Dhasa,
House No. 603,
New Delhi-73.

... Applicants.

By Advocate Shri T.C. Aggarwal.

Versus

Union of India through
Director General,
Doordarshan, Mandi House,
New Delhi.

... Respondent.

By Advocate Shri R.P. Aggarwal.

O R D E R

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

M.A. 1309/99

M.A. 1309/99 for filing the joint application is
allowed.

O.A. 1490/99

This is the third time that the three applicants in this
O.A. have filed an application under Section 19 of the
Administrative Tribunals Act, 1985 for certain reliefs,
including a direction to the respondents to stop them from
engaging contract employees for Group'D' work and granting them

temporary status with regularisation after assessing the additional work for Group 'D' employees.

2. I have heard the learned counsel for the parties and perused the records.

3. Admittedly, the applicants were employed as casual workers initially as Waterman on 15.4.1995. When they were disengaged, they had filed O.A. 2391/95 followed by another O.A. 1714/97 against their termination orders. In O.A. 2391/95, the Tribunal had directed as follows:

"In the light of the submissions by the counsel on either side, we dispose of this application with a direction to the respondents to consider re-engagement of the applicants as and when work of the same nature becomes available in preference to outsiders and persons with lessor length of service than the applicants, without insisting that they should be again sponsored by the Employment Exchange". (emphasis added)

In O.A. 1714/97, the Tribunal had come to the conclusion on the facts that the O.A. can be disposed of with the following directions:

".....that in case the respondents decide to engage any one for filling the water coolers during the ensuing seasons they will give preference to the applicants in terms of the days of work already put by them. The engagement of labour through a contractor, for filling the water coolers, over looking the claims of the applicants would not be permissible". (emphasis added)

4. The Tribunal by an ex parte interim order dated 1.7.1999 had directed that status quo may be maintained. Learned counsel for the respondents has submitted that as the applicants were engaged for filling water coolers in summer season, which is purely work of a seasonal nature, they do not have any work for them at the moment. He has, therefore, prayed that the interim order may be vacated. Learned counsel for the applicants has, however, very vehemently submitted that

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the applicants are very much willing to do any work which is required to be done by the respondents, and they could be engaged as Safaiwalas, Peons and so on and he has, therefore, contended that the applicants may be so engaged instead of only as Waterman. He has also relied on the judgement of the Tribunal in Ashok Kumar Vs. Union of India (1995(2) ATJ (CAT) 326).

5. The applicants by their own admission have submitted that they were originally engaged for filling water in the coolers which has also been done following the directions of the Tribunal in the aforesaid two cases. The job of cleaning the premises as well as engagement as a Peon is, therefore, quite a different job from filling the water coolers during the hot season. As held by the Tribunal in O.A. 1714/97, it cannot be said that the applicants have been replaced by the Contractor in so far as their engagement as water boys are concerned.

6. Having regard to the facts and circumstances of the case and the aforesaid orders of the Tribunal with which I respectfully agree, the O.A. is disposed of with the following directions:

- (1) In case the respondents decide to engage any one for filling water coolers during the next summer season, the applicants may be given preference in terms of the number of days they have already put in as Waterman, that is, to outsiders and juniors; ^{with respect}

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(2) The respondents to consider the cases of the applicants in accordance with the relevant rules/instructions for grant of temporary status in case they fulfill the eligibility conditions, with intimation to them.

O.A. is disposed of, as above. Accordingly, ex-parte inteim order dated 1.7.1999 stands vacated. No costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'