

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. No.1498/99

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

New Delhi, the 23rd day of September, 1999

1. Shri Vikas Rathi  
S/o Shri Om Prakash Rathi  
R/o F-647, Dr. Ambedkar Nagar  
Sector 5, New Delhi

2. Shri Net Ram  
S/o Shri Bhure Lal  
R/o 1/202, Trilok Puri, N.Delhi

...Applicants

(By Advocate: Shri R.K. Shukla)

Versus

Union of India through

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

....Respondents

(By Advocate: Shri Madhav Panikar)

ORDER (ORAL)

Applicant No.1 was initially engaged as a casual labour on 15.4.96 and continued upto 15.10.96. He was further engaged from 15.4.97 to 15.10.97 as a Waterman. Applicant No.2 was also similarly engaged from 15.4.95 to 15.10.95. Their grievance is that a number of their juniors who were engaged on similar nature of duties as that of the applicants were continuing in the engagement of the respondents and have also been granted temporary status. The applicants allege that the action of the respondents was discriminatory and arbitrary and they seek a direction to the respondents for granting the same status as their juniors.

2. The respondents in their reply have made the submission that the applicants were engaged as daily wage workers for the summer season. They further submit that

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after every year fresh appointments are made after obtaining sponsorships from the Employment Exchange. On fresh names being sponsored, they were engaged in subsequent years.


3. Today when the matter came up, Shri Madhav Panikar, learned counsel for the respondents, relying on the case of Secretary to Govt. of India & Ors. Vs. Shivram Gaikwad, 1995(6) SLR 812, submitted that the claim of the applicants was time barred.

4. I find that <sup>while</sup> the claim of the applicants in regard to terminating their service in 1995 and 1996 may be time barred yet one of the relief sought for by the applicants is that they may be considered for reengagement. In the case cited by the learned counsel, the applicant had been engaged in 1986 but had absented himself and was then discharged from service. Later a medical certificate saying that he was suffering from a medical disability was submitted with his representation. His representation having been rejected, he approached the Tribunal in 1990, i.e. after a delay of four years. The O.A. was allowed by the Tribunal but the Supreme Court held that the claim of the applicant was barred by limitation and was liable to be dismissed as no application for condonation of delay was made. In the present case, the claim regarding discontinuance of engagement is, as <sup>we</sup> have pointed out above, hit by limitation. However, the same does not apply in regard to the relief sought for by the applicants on the basis of their past service. Every time the respondents engage a fresher and outsider, the applicants have a recurring cause of action. In the present case there is no

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allegation that the applicants themselves abandoned the work as was the case in Secretary to Govt. of India & Ors. Vs. Shivram Gaikwad (supra).

5. Accordingly, the O.A. is disposed of with a direction that if work is available and the respondents make fresh appointments of casual labour, they will also consider the case of the applicants keeping in view their past service.

  
(R.K. AHOOJA)  
MEMBER (A)

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