

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 2020/1999  
M.A. No. 1984/99

New Delhi this the 26<sup>th</sup> Day of May 2000

Hon'ble Dr. A. Vedavalli, Member (J)

1. Yoginder Singh,  
2. Sachin  
Both C/o Yoginder Singh,  
Son of Shri Bhanwar Singh,  
R/o B-79, Jyoti Nagar,  
New Delhi

Applicant

(By Advocate: Dr. Surab Singh)

Versus

1. Commissioner of Customs (Administration),  
IGI Airport, New Delhi
2. Deputy Commissioner of Customs (Administrator).  
Office of the Commissioner of Customs.  
New Custom House,  
New Delhi-110 037
3. Ministry of Finance,  
Through Secretary,  
Department of Revenue, General Administration (R)  
North Block,  
New Delhi-110 001.

Respondents

(By Advocate: Shri R .R. Bharti)

O R D E R

Heard the learned counsel for both the parties.  
Perused the pleadings and the relevant material and documents placed on record. Matter has been considered carefully. M.A. No. 1944/88 is allowed.

2. The two applicants S/Shri Yoginder Singh and Sachin were initially employed by the Respondents purely on contract basis as daily wagers for a period of 85 days w.e.f. 30.3.1999 by an Order passed by the Respondents dated 27.3.1000 (Annexure A-2). They were again appointed for a period of 85 days upto 20.9.1999 by an Order dated 16.8.1999 (Annexure A-3). However, the Respondents sent

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requisition dated 20.8.1999 (Annexure A-1) to the Employment Exchange stating that their office wants to engage about 16 candidates on daily wage basis for cleaning/dusting the office building and the candidates will be taken as Safaiwala and Farash and will remain purely temporary till further orders by the competent authority and requested them to sponsor the names of the suitable candidates for selection as per the Rules of that office.

3. The applicants apprehending their termination by the Respondents in view of the above letter dated 20.8.1999, filed this OA on 16.9.1999 seeking the following reliefs :

4. In view of the above mentioned circumstances, it is, thereofre, most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) issue a Writ of Certiorari or any other Writ of the like nature quashing the letter dated 20.8.99 written by the respondents to the Employment Exchange inviting fresh candidates on daily wages on the place of the applicants.

- b) issue a Writ of Prohibition prohibiting respondents from replacing the services of the applicants with fresh casual workers.
- c) pass any other order which this Hon'ble Tribunal may deem fit and proper to do complete justice to the matter/case.

5. This Tribunal by an interim order dated 17.9.1999 directed the Respondents as an "ad-interim measure, not to dispense with the services of the applicants, if work is available, in preference to their juniors and outsiders." However, it is stated in para 2 of the counter reply filed by the Respondents that the applicants have not been given any further appointment since no work is presently available for them and that they have rendered a total of 170 days service only under the Respondents they are not entitled to be considered for grant of temporary status or regularisation. It is also seen from Annexure R-1 to the counter dated nil that the requisition to the Employment Exchange to sponsor names of the suitable candidates for recruitment of daily wagers was withdrawn stating that no work is presently available in the office. However, the learned counsel for the Respondents during hearing stated that as and when work becomes available, the applicants will be considered in preference to freshers and juniors for re-engagement.

6. In view of the above facts and circumstances of the case and careful consideration of the matter and to meet the ends of justice, this O.A. is disposed of with the following directions to the respondents:-

- (a) As and when the work becomes available, the respondents should inform the applicants sufficiently in advance and give them an opportunity to submit their applications for being considered for re-engagement.
- (b) In the event the applicants submit their applications, the same should be considered by the respondents on their merits alongwith other eligible candidates in accordance with the relevant rules and instructions giving due weightage to their past service and in preference to freshers/juniors.
- (c) Respondents should not insist that the aforesaid applications by the applicants must be sponsored through the Employment Exchange.

The O.A. is disposed of accordingly. No costs.

*A. Vedavalli*  
26/5/2000

(Dr. A. Vedavalli)  
Member(J)

Mittal/