

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 2066/99
MA NO. 2053/99

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NEW DELHI THIS THE 5th DAY OF OCTOBER, 1999

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

In the matter of:

1. Brij Mohan S/o Sh. Ram Ratan, (S.C.)
R/o Block 59/705, Panchkuian Road,
R.K.Ashram Marg, New Delhi.
2. Mohan Singh
S/o Sh. Trilok Singh,
CI-35, Pandara Park,
New Delhi.
3. Radhey Shyam
S/o late Sh. Om Prakash
R/o F-16, Double Storey quarters,
Idgah Road,
Delhi-6.
4. Sanjay Kumar
S/o Sh. Sita Ram Prasad,
R/o RI 239/7A, Indra Park,
Near Bihar Shiv Temple,
Palam Colony,
New Delhi-45.

.... Applicants

(By Advocate: Sh. R.K.Shukla)

Vs.

1. Union of India through
The Secretary,
Ministry of Surface Transport,
Transport Bhawan, Sansad Marg,
New Delhi.
2. The Chief Controller of Accounts,
Ministry of Surface Transport,
I.D.A.Building,
Jamnagar House,
New Delhi.

.... Respondents.

(Sh. R.Balasubramanian, PAO(Admn.),
departmental representative)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, M(J)

Sh. R.K.Shukla, learned counsel for applicants, submits that the respondents are likely to replace the applicants, by fresh candidates, juniors/outsideers to do the work of casual nature which the applicants are prepared to do. He, therefore, seeks an interim order to the effect that if there

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is work with the respondents, preference should be given to the applicants over the juniors and outsiders to do the work of casual nature. The Departmental representative, however, submits that the applicants were engaged as casual labourers for filling water coolers during summer season and at this time they do not have any work of such type for casual labourers. He, however, frankly submits that they need casual labourers to do other types of work.

3. It is noted from para 8 of the OA that the main direction which has been sought for from the respondents is that the applicants may be given preference to juniors and outsiders for re-engagement. In the facts and circumstances of the case, provided there is work of a casual nature which the applicants can discharge, the respondents should give the applicants preference over juniors and outsiders, in case they take a decision to engage casual labourers, subject to their fulfilling the provisions of law, rules and instructions for such re-engagement.

4. The respondents shall also consider the cases of the applicants and in case they fulfil the requirements of the relevant Rules and instructions, including the DOPT OM dated 10.9.93, they shall take immediate further action in respect of granting temporary status and other benefits to them.

5. OA is disposed of as above. No orders as to costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
Member (J)

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