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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

M.A.No.1686/2000
M.A.No.2084/1999 in
O.A.No.2101/1999

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)

New Delhi, this the 1st day of December, 2000

1. Pawan Kumar
s/o Sh. Dhayan Ram
r/o 21/107, Lodhi Colony
New Delhi.

2. Satender Singh
S/o Sh. Dharam Singh
C/o Shri Pawan Kumar
s/o Sh. Dhayan Ram
r/o 21/107, Lodhi Colony
New Delhi.

... Applicants

(By Mr. Pradeep Kumar, proxy of Dr. Surat Singh,
Advocate)

Vs.

1. Commissioner of Customs (Administration)
I.G.I. 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.

... Respondents

(By Shri R.R.Bharti, Advocate)

O R D E R (Oral)

The applicants, who were Casual Labourers seek the relief of their engagement in preference to freshers and outsiders and for their regularisation. They have been working in the Customs Department and as per the averments made in the OA, they had completed 240 days.

Om

3. In the reply, it is stated that the applicants had worked only 170 days. It is also stated that they had been engaged initially for 85 days from 5.3.1999 and were again re-engaged for 85 days from 7.6.1999 to 30.8.1999 and their services stood terminated after 30.8.1999. They were not further employed and none of them had completed 240 days of service. The applicants have not produced any material to show in support of their allegation that they had worked 240 days. It is true that the an interim order was passed by the Tribunal on 29.9.1999 to continue their services. Since, by that time their services have been terminated about a month prior to the said date, the respondents say that ²⁷there was no direction to take back the applicants, they were not ~~allowed to be~~ reinstated.

4. It is further stated by the learned counsel for the applicants that the respondents have taken steps for a fresh engagement of the Sweepers in their place which is not permissible. // In view of the averments made by the respondents, the applicants are not entitled to be regularised in service. However, in case the respondents seek to engage fresh people for the post of Sweepers in the Department, they shall first consider the applicants, if they are available after they were so intimated by the Department, and they should be given preference to the freshers. With the above observations, the OA is disposed of. No costs.

V. Rajagopala Reddy
(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)