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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2341/99

New Delhi this the 28th day of January, 2000

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

1. Sunil Kumar S/O Sh. Chhatu Lal
R/O H.No. CV-51, Ring Road,
Narayana, New Delhi.
2. Tikam Singh S/O Sh. Hira Lal
H.No. B-12, 37/E-H, Shastri Nagar,
Delhi.
3. Rajesh Kumar S/O Sh. Chandi Ram
R/O H.No. 1739 Sher Singh Bazar,
Kotla Mubarakpur, New Delhi.

.. Applicants

(By Advocate Shri M.K. Bhardwaj)

versus

Union of India through

1. Secretary,
Ministry of Home Affairs,
Sardar Patel Bhawan,
New Delhi.
2. Under Secretary,
Ministry of Home Affairs,
Sardar Patel Bhawan, New Delhi.
3. Section Officer,
National Security Council Secretariate
Cabinet Secretariat, Sardar Patel Bhawan,
Sansad Marg, New Delhi.

.. Respondents

(By Advocate Mrs. P.K. Gupta through
proxy counsel Sh. Anil Singhal)

O R D E R (ORAL)

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

The applicants in this O.A. are aggrieved by the termination orders passed by the respondents w.e.f. 3.11.1999. According to them, they have worked as casual labourers w.e.f. 7.8.99 to 3.11.1999. In this O.A. they have claimed that the respondents may be directed not to terminate the services of the applicants in preference to junior and outsiders. They have alleged that the respondents are trying to take freshers through the Employment Exchange. In any case, as they themselves have stated that the respondents have already terminated their services

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w.e.f. 3.11.99, the question of directing the respondents not to terminate their services does not arise at this stage. Shri M.K. Bhardwaj, learned counsel, however, submits that he will be satisfied if a direction is given to the respondents that, in case they require the services of the daily wagers, the applicants may be considered in accordance with the relevant rules and instructions, keeping in view the fact that they have served with them earlier.

2. I have seen the reply filed by the respondents and heard Shri Anil Singhal, learned proxy counsel for the respondents. According to them, no daily wagers have been kept in the office w.e.f. 4.11.1999. They have also stated that the direction of the Tribunal that the daily wagers should not be replaced by another set of daily wagers has also been complied with. They have stated that they have not engaged any further casual labourers. They have further stated that the requisition sent to the Sub-Regional Employment Exchange on 1.11.99 was for engaging daily wagers who were required for other purposes. Shri Anil Singhal, learned proxy counsel has submitted that this requisition has also been subsequently withdrawn as stated in the reply.

4. In the above facts and circumstances of the case, the impugned termination order passed by the respondents cannot be faulted, as it is noted that the applicants were only employed in a temporary capacity for a period of 89 days upto 3.11.1999. In the circumstances, the prayer of the applicants not to terminate their services is untenable and accordingly rejected. As admittedly the applicants do not fulfil the terms and conditions of the DOP&T OM dated 10.9.1993, the question of conferring temporary status on the applicants does not arise.

5. In view of what has been stated above the only direction

that can be given in this OA is that in case the respondents are considering engaging daily wagers, they may consider the cases of the applicants, subject to the fulfilment of the terms and conditions of the relevant rules and instructions, in preference to outsiders and juniors.

6. O.A. is disposed of as above. No order as to costs.

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