

---CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.2826 of 1999

New Delhi, this the 2nd day of August, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

1. Raj Kumar
S/o Shri Vijay Pal Singh
R/o RZ-129-B, B.Clock,
Roshan Vihar,
Najafgarh,
New Delhi.
2. Shri Man Singh
S/o Shri Tota Ram
RZ-285, M, Raj Nagar,
DDA Park, Palam Colony,
New Delhi.
3. Shri Balwant Singh
S/o Shri Aan Singh
R/o 20-B, Janta Flat,
Vasant Enclave,
New Delhi.

-APPLICANTS

(By Advocate: Shri M.K. Bhardwaj)

Versus

Union of India Through

1. Secretary,
Min. of Information & Broadcasting
(Song & Drama)
Shastri Bhawan,
New Delhi.
2. Director,
Ministry of Information & Broadcasting
(Song & Drama Division)
Suchna Bhawan,
CGO Complex, Lodi Road,
New Delhi.
3. Deputy Director(Admn.)
Song and Drama Division,
Ministry of Information & Broadcasting,
Suchna Bhawan, CGO Complex, Lodi Road,
New Delhi.
4. The Administrative Officer,
Songs & Drama Division,
Ministry of I&B, Suchna Bhawan,
CGO Complex, Lodi Road,
New Delhi.

-RESPONDENTS

(By Advocate: Shri R.N. Singh, proxy counsel for
Sh. R.V. Sinha)

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ORDER

By Hon'ble Mr.Kuldeep Singh,Member(Jud1)

The applicants who had been working as a casual labourer with the respondents have filed this OA alleging that the disengagement of the services with effect from 28.12.1999 by a verbal order passed by the respondents is illegal and the applicants are entitled to be re-engaged.

2. The applicants allege that in the month of September, 1999 the respondents needed the work of Group 'D' employees for doing the work of perennial nature so the respondents sent a requisition to the Employment Exchange from where various names were forwarded and all the applicants who were duly sponsored were appointed as a casual labourer and now the respondents want to replace their services by fresh set of casual labourers so the respondents be restrained and the applicants be allowed to continue in job in preference to juniors and outsiders.

3. The respondents are contesting the OA. They admit that the applicants were engaged as part-time labour. Applicant No.1 was engaged w.e.f. 18.10.99, applicant No.2 w.e.f. 8.10.99 and applicant No.3 w.e.f. 1.11.99 respectively. However, on 9.12.99 Government issued instructions to all media heads that no casual labour should be employed in media units thenceforth. These instructions were received by respondent No.2 on 15.12.1999 and in compliance to that instructions, the respondents disengaged the casual labourers engaged w.e.f. 16.12.1999.

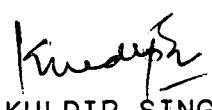
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4. The respondents have further stated that this disengagement has not been done in order to replace them by freshers or outsiders nor the action of the respondents is in violation of any constitutional provisions.

5. I have heard the learned counsel for the parties and gone through the records of the case.

6. Since in the counter-affidavit the respondents have specifically stated that the services of the applicants had been disengaged on the basis of instructions issued by the Government of India with regard to casual employment so if these instructions are to be complied with then possibly there can be no deployment of casual labourer. So in this background I think that this OA can be disposed of with a direction that if at all there is work to deploy casual labourers to perform the duties which the applicants had been performing, the respondents shall engage the applicants in preference to freshers and juniors. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

Rakesh