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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-517/99

New Delhi this the 17th day of September, 1999.

Hon'ble Sh. S.P. Biswas, Member(A)

Sh. Yogesh Kumar,
S/o Sh. Rampal Singh,
R/o S.H. Commercial School,
24, Daryaganj, New Delhi-2. Applicant

(through Sh. T.C. Aggarwal, advocate)

versus

1. Union of India through
the Secretary to G/1 (DARE),
Ministry of Agriculture,
Krishi Bhavan,
New Delhi-1.
2. The Secretary,
Indian Council of Agriculture
Research, Krishi Bhawan,
New Delhi-1. Respondents

(through Sh. Ashok Kashyap, advocate)

ORDER(ORAL)

The applicant is aggrieved by the alleged arbitrary action on the part of respondent No.2 in the matter of engagement of casual labourers. He claims that starting from April 1995 he had worked from different periods with intermediate breaks right upto July 1998. He would also claim that in terms of the seniority of those people who are on roll with the respondents, he stands senior as a casual labour. While the position stands as aforesaid, the applicant alleges of being ignored for the continuous purpose of engagement since the respondents have decided to engage freshers and new comers offering them jobs without any regard for seniority of others like the applicant. The applicant also alleges that the

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respondents have perpetuated in an act of illegality/corruption in terms of engaging employees who are either relatives or friends of some of the respondents. The examples given by the applicant in this connection relate to details in paras 4.6 and 4.7 of the paperbook. In support of his claim for engagement continuously or in preference to those freshers and outsiders, the learned counsel for the applicant draws support from the decision of the Apex Court in the case of Central Welfare Board & Ors. Vs. Ms. Anjali Bepari & Ors. (JT 1996(8) SC 1).

2. The respondents have opposed the claim. Shri Ashok Kashyap, learned counsel for the respondents would submit that those employees as mentioned in paras 4.6 and 4.7 of the O.A. had to be engaged because the applicant/applicants were not in touch with respondents when the jobs were available. That apart, the jobs required in this case are extremely temporary in the nature of waterman for the summer season from April to September 1998. The engagements were for very short periods and that too on casual basis and they had no difficulty of engaging the senior casual labours provided the seniors were available.

3. In the background of the facts available before us we are required to adjudicate the legality of the respondents action in engaging freshers and new comers. The determination of the issue need not

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detain us any longer in the light of the decision of the Apex Court in Inder Pal Yadav Vs. U.O.I. & Ors. (1985(2) SCC 648). The principles enunciated in Yadav's case have since been reiterated subsequently by the Apex Court in the case of Central Welfare Board & Ors. (supra). It is obvious from the pleadings that the respondents have not cared to maintain the seniority list which has been stipulated by the Apex Court in Inder Pal Yadav's case.

4. In the light of the details as aforesaid and the legal position, I allow the O.A. with the following directions:-

(i) The respondents shall consider re-engaging the applicant for casual jobs in preference to the freshers and new comers.

(ii) The respondents are directed to maintain the seniority list for the purpose of engagement of the casual labourers who shall be engaged on the basis of "First to come last to go" as held in Inder Pal Yadav's case.

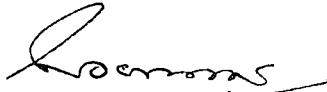
(iii) If the projects and jobs are available and if the applicant is senior, he will have the claim for

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11

being engaged in preference to
others who have been taken on the
roll later on.

5. The O.A. is disposed of as aforesaid. No
Costs.


(S.P. Biswas)
Member(A)

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