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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.941/1999

New Delhi, this 1st day of October, 1999

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

1. Birbal  
20P, Sangma Park  
Rana Pratap Bagh, Near Nanak Pyan  
New Delhi
2. Vikram  
815/S-3, Pushp Vihar, New Delhi .. Applicants  
(By Ms.Richa Goel, proxy for Mrs.Rani Chhabra,  
Advocate)

versus

Union of India, through

1. Secretary, CBEC  
D/Revenue, M/Finance  
New Delhi
2. Commissioner I  
Customs & Central Excise  
University Road, Meerut
3. Assistant Commissioner  
Customs & Central Excise  
Mangal Pandey Nagar, Meerut
4. Superintendent(HQ)  
Customs & Central Excise  
Mangal Pandey Nagar, Meerut
- 5. Inspector (Hq) CCEC, Meerut** .. Respondents  
(By Shri V.S.R.Krishna, Advocate)

ORDER

The two applicants herein are seeking their re-engagement as casual labourers under the respondents and further grant of temporary status to them.

2. The case of the applicants is that they were engaged as casual labourers in April, 1989 and 1991 to perform the duties of sweeper and gardener and were discontinued by an oral order in December, 1994 and February, 1994 respectively without assigning any reason. Applicants would contend that they are entitled to the grant of temporary status as per the scheme introduced by the DoPT from 10.9.93 in pursuance of the directions of the apex court. They would also allege that freshers/outsideers have been engaged in 1998 ignoring

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their superior claims and their representations in this connection have not been replied to so far and that is why they are before this Tribunal seeking the aforesaid reliefs.

3. Heard the learned counsel for both parties and perused the records.

4. The case of the respondents is that the applicants were engaged for the job of seasonal and intermittent nature from time to time. They were not engaged after 1994 and that as per DoPT's instructions dated 12.7.94 such casual labourers cannot be bestowed with temporary status who have not been engaged through the Employment Exchange.

5. The apex court in a recent judicial pronouncement in the matter of casual labour has held that sponsoring through Employment Exchange for grant of temporary status need not be insisted upon any more. Decisions of the apex court in the case of Excise Supdt/Malkapat, Krishna Dt. Vs. K.B.N.V.Rao, 1996(6) SCALE 676 refer in this connection. Therefore the contention of the respondents to the contrary is not sustainable. However keeping in view the decisions of this Tribunal in a large number of cases touching upon the engagement of casual labours for performing duties of temporary or casual nature, this application is disposed of with the directions to the respondents to re-engage the applicants, if and when work is available with them, in preference to freshers/outsideers.

There shall be no order as to costs.

  
(S. P. Biswas)  
Member (A)

/gtv/