

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.130 of 1998

New Delhi, this the 12th day of January, 1998.

Hon'ble Mr. N. Sahu, Member(A)

Pawan Kumar  
S/o Shri Hem Raj Sharma  
R/o Q.No.97, Govt. Colony  
Mohammed Pur,  
Sector-I,  
R.K. Puram,  
New Delhi

...Applicant

(By Advocate : Shri Yogesh Sharma)

Versus

Union of India: through

1. The Secretary  
Secretariat of the Election  
Commission of India,  
Nirvachan Sadan  
Ashok Road  
New Delhi

2. The Under Secretary  
Secretariat of the Election  
Commission of India  
Nirvachan Sadan  
Ashok Road  
New Delhi

...Respondents

ORDER(ORAL)

By Sh. N. Sahu, Member(A) -

Heard Shri Yogesh Sharma, learned counsel  
for the applicant on admission.

2. The grievance in this OA is that the  
applicant was engaged as a Casual Labourer on  
21.03.1997 and admittedly in view of the certificate  
dated 11.12.1997 (Annexure A-3) issued by the  
respondents, he continuously worked for a period of

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more than 250 days from 21.03.1997 to 28.11.1997. He was disengaged thereafter. The grievance of the applicant is that freshers from the market were engaged (6 of them mentioned at Para 4.5 of the OA) ignoring the applicant's claim whose performance was admittedly satisfactory. Learned counsel for the applicant mentions that this is a clear violation of the Scheme framed by the Ministry of Personnel which also governs and regulates the appointments of the casual labourer under the respondents. The Scheme is known as Casual Labourers (Grant of Temporary -Status and Regularisation) Scheme of Govt. of India 1993 effective from 01.09.1993. The representation submitted by him on 26.12.1997 and 12.12.1997 addressed to Respondent No.2 have gone unanswered.

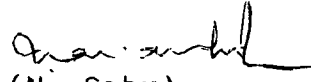
3. Respondent No.2, in consultation, shall dispose of the representation within three weeks from the date of receipt of a copy of this order spelling out clearly (i) as to whether the Scheme applies to the applicant or not and also why he was not considered for grant of temporary status; (ii) the law is now well settled - Central Welfare Board & Ors. Vs. Anjali Bepari & Ors. (1996) 10 SCC 133 that before engaging a fresher, the claims of an earlier appointee with a satisfactory record of service cannot be ignored. Respondents to clearly mention in the order as to why the applicant was not invited to work as a Casual Labourer and preference was given to freshers and outsiders. The representation shall be

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disposed of within the parameters of the Scheme and law laid-down by the Supreme Court mentioned above. If the applicant has any further grievance left, he is given liberty to file a fresh OA.

4. OA is disposed of as above. No costs.

  
(N. Sahu)  
Member (A)

/Kant/