

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1541/98

New Delhi, this the 30th day of June, 1999

HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

In the matter of:

Sh. Rohtash Kumar,
S/o Sh. Richpal Singh
R/o H.No.1016, Shiv Colony,
Old Faridabad (Haryana).

Office:

Ex-Casual Labour
Acheological Survey of India,
Purana Quila Museum,
New Delhi-110003. Applicant
(By Advocate: Sh. Surat Singh)

Vs.

1. Union of India
Ministry of Human Resource Development,
Department of Culture,
Shastri Bhawan,
New Delhi.

Through
Secretary.

2. The Director General,
Acheological Survey of India
Janpath, New Delhi.

3. Superintending Archeologist,
Delhi Circle,
Archeological Survey of India
Safderjung Madersa,
New Delhi.

.... Respondents

(By Advocate: Sh. S.K.Gupta)

O R D E R (ORAL)

Counsel for applicant submits that he was engaged as a casual labour in Branch Museum at Purana Quila, New Delhi w.e.f. 1.3.95. His grievance is that the respondents terminated his services w.e.f. 11.6.98 though they retained his juniors and also engaged a number of fresh people whose names have been given at page 4 & 5 of the OA. He has come to the Tribunal seeking a declaration that his termination w.e.f. 11.6.98 was

illegal and void ab initio and direct the respondents to restore him in employment with all consequential benefits. The respondents in the reply have stated that since the Purana Quila Museum, where the employee was working ~~was~~ being reorganized his services were no longer required. He further states that they have decided to utilise the services of the applicant in other sub-circles where work was going on and the applicant was directed to report to Senior Conservation Assistant, Red Fort but he failed to do so.

2. I have heard the counsel for the applicant. Learned counsel for applicant states that the applicant has since rejoined the services of the respondents on casual basis and he is presently in employment. He, however, submits that in terms of Supreme Court decision 1986 (3) SCC 277 Jarnail Singh & others Vs. State of Punjab & others, his services could not be terminated or replaced by a similarly placed person who was junior to him. He submits that in terms of the ratio of this order the applicant would be entitled not only to receive the back wages with retrospective effect but also the payment of back wages. I have gone through the aforesaid judgment and find that the facts and circumstances are different in the present case. In Jarnail Singh & Others Vs. State of Punjab & Others (supra) the applicant had been appointed in a regular pay scale on ad hoc basis while in the case of the applicant herein he was engaged purely on daily wages. Nevertheless now that the applicant has been reinstated in services he is entitled to get the period of

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his earlier service taken into account for grant of temporary status in terms of Kiran Kishore Vs. Union of India in OA No. 1696/95.

3. Accordingly the OA is disposed of with the direction that the respondents will consider the case of applicant in terms of DOPT OM dated 10.9.93 for grant of temporary status and will also consider him for regularisation in accordance with the above OM.

R.K. AHOODA
(R.K. AHOODA)
Member (A)

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