

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.NO.1224/95

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 4th day of March, 1996

Vinod Kumar
age 22 years
r/o 288, Miradard Lane
LNJP Hospital
New Delhi.

Balwant Singh
age 24 years
r/o 713, Aliganj
New Delhi.

Avdesh Prasad
age 24 years
s/o Shri Gautam Prasad
r/o 80-C, Block NU
Pritam Pura
Delhi - 110 034.

Surender Singh Negi
age 18 years
s/o Shri Umed Singh Negi
r/o K-413, Sewa Nagar
New Delhi.

G.Vyakul Rao
age 22 years
s/o Shri G.Rajaiah
r/o 298, Sector II
R.K.Puram
New Delhi.

... Applicants

(By Shri K.N.R.Pillai, Advocate)

Versus

Union of India through

1. The Secretary
Ministry of Power
Shram Shakti Bhavan
New Delhi.

... Respondent

(By Shri V.S.R.Krishna, Advocate)

O R D E R (Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

The applicants ^{who were} engaged as Casual Labourers on 17.4.1995 in the office of respondent, approached this Tribunal with this Original Application, as the respondents ^{then} told that their services would be terminated by 14.7.1995 and

that a fresh batch of Casual Labourers would be engaged to perform the duties which the applicants are performing, praying that the respondents may be directed to allow the applicants to continue and not to replace them by engaging fresh Casual Labourers. 10

2. The respondents resist the application. They contend that they have to replace the applicants by freshers if necessary according to the Office Memorandum of Department of Personnel and Training dated 7.6.1988 prohibiting the engagement of Casual Labour for persons exceeding more than three months.

3. When the application came up for final hearing today, the ld. counsel for the applicant submitted that the applicants would be satisfied if the respondents are directed to consider re-engagement of the applicants as and when the work is available in preference to freshers and persons with lesser service than the applicants. After hearing the counsel on either side, and in the circumstances of the case, we are of the considered view that the interest of justice demands a direction to be given to the respondents to re-engage the applicants as and when the necessity to engage casual labour arises in preference to freshers and persons with lesser casual service than the applicants. The application is disposed of with the above directions at the admission stage itself. There is no order as to costs.

R. K. Ahooja 2
(R.K. Ahooja)
Member (A)

A. V. Haridasan
(A.V. Haridasan)
Vice Chairman (J)

/RAC/