

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA.No.1323/95

Dated this the 23rd day of November, 1995.

Hon'ble Shri S.R. Adige, Member(A)  
Hon'ble Dr. A.Vedavalli, Member(J)

Sat Nayanan,  
S/o Chhannoo Ram,  
R/o Ram Niwas House,  
Mohalla Pipalwala, Village & P.O.Badli,  
Delhi 110 042.  
Working as Labourer in the  
Office of the Dy.Conservator of Forests,  
Kamla Nehru Ridge, Delhi. ...Applicant

By Advocate: D.S. Jagotra.

versus

1. Government of National Capital Territory of Delhi through the Development Commissioner, Government of N.C.T. Delhi 5/9, Under Hill Road, Delhi 110 007.
2. The Deputy Conservator of Forests, Government of N.C.T. of Delhi, Kamla Nehru Ridge, Delhi. ...Respondents

By Advocate: None.

O R D E R (Oral)  
(By Hon'ble Shri S.R. Adige)

In this application, the applicant Shri Sat Narayan has prayed for reinstatement in service with all consequential benefits with retrospective effect from the date his juniors were engaged.

2. Shortly stated, his case is that, he was working as a Labourer in the Alipur Block of the Office of Deputy Conservator of Forests, Kamla Nehru Ridge, Delhi since 1979 having been sponsored through the Employment Exchange. He contends that in the year 1989-90, he was discontinued without any written order or assigning any reason and despite repeated efforts to find out why he was discontinued including

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(b)

representation made in December 1994 which has remained unreplied to, he has not been reengaged. He contends that persons junior to him whose names have been given in the OA have been engaged overlooking his claim for reengagement and regularisation.

3. Notices had been issued to respondents on 27.7.95 and although several dates arose thereafter, no reply was filed by the respondents. On 28.9.95, the Registry had reported that the notice still remain to be served. As 30 days has expired since the date of issue, it was presumed that the notice stood served on the respondents in terms of Rule 25(c) L.A.T. Rules of 1993.

4. On that date, Shri Amresh Mathur, counsel appearing on behalf of Delhi Administration who was present in the Court was called up to take notice on behalf of the Development Commissioner as well as the Deputy Conservator of Forests, Delhi Administration to file their reply by today, but neither has reply been filed nor is anybody present on behalf of the respondents including Shri Amresh Mathur.

5. When the learned counsel for the applicant was asked to furnish proof, if any, in respect of his contention that the applicant has been in employment of the respondents from 1979 upto 1990, he stated that he has no materials to show in proof of his contention.

6. In the circumstances, subject to the availability of work, and the applicant establishing before the respondents that he was engaged as a casual

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labourer with them from 1979 till 1989-90, the respondents should consider engaging him as a casual labourer in preference to those with overall lesser length of service and outsiders. Thereafter, it will be open to the applicant to work out his rights, if any, in accordance with law.

7. This OA is disposed of accordingly. No costs.

A. Vedavalli

(Dr. A. Vedavalli)  
Member(J)

/kam/

S.R. Adige

(S.R. Adige)  
Member(A)