

Central Administrative Tribunal, Principal Bench

O.A.No.2213/95

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 1st day of April, 1997

Shri Sundresh
s/o Shri P.L.Sharma
alias Balbir Singh
r/o C-58, NPL Colony
New Delhi
Village Nangal Kalan
Tehsil & District
Sonepat-Haryana.

... Applicant

(By Shri Shri D.C.Sharma, Advocate)

Vs.

1. Union of India through its
Secretary
M/o Science & Technology
Technology Bhawan
New Delhi.
2. The Director General of Council of
Scientific & Industrial Research
Rafi Marg
New Delhi.
3. The Director
National Physical Laboratory
Hill Side Road
Pusa Campus
New Delhi.

... Respondents

(By Shri V.K.Rao, Advocate)

O R D E R(Oral)

The applicant had been working as daily wager w.e.f. 1.2.1989 and continued till 25.6.1990 when his services were terminated on verbal order on the same date. The applicant claims that his name was placed at Serial No.63 in the consolidated list of all the daily wagers. Further, because of meritorious services rendered by him his name was placed at Serial No.9 in the list of daily wagers by a Committee constituted for considering daily wagers for absorption in regular grade. Despite this the applicant submits that his services were terminated without giving any reason or justification. He made numerous representations to the respondents but did not receive any response to the same. He has

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now come to the Tribunal seeking a direction to the respondents to reinstate him in service with full back wages with continuity in service.

2. The respondents in their reply take a preliminary objection that the application is barred by limitation as his services have been terminated with effect from 25.6.1990, the CA having been filed on 22.11.1995. On merits they state that the applicant was engaged on temporary basis since 1989 till 1990. A policy decision was taken to review the engagement of all the daily wagers and, therefore, as per the decision, only those persons whose services were required on need basis were engaged. They have a Scheme for absorption of casual workers in CSIR depending upon the place in the Seniority List and ~~subsequent~~ availability of vacancies. The applicant will be considered for absorption in accordance with the scheme.

3. I have heard the counsel on both sides. The learned counsel for the respondents states that the respondents are ready to consider the applicant for absorption on his ~~regular term~~ in accordance with the scheme and also in order of seniority. The learned counsel for the applicant on the other hand states that while applicant's services have been dispensed with a number of juniors have been retained by the respondents.

4. I have considered the matter. I find that there is no specific allegation regarding persons junior to the applicant who have been retained by the respondents in service. The learned counsel for the applicant relies on the judgement of this Tribunal in OA No.2215/88 (Shri Suresh Prasad Thakur & Another Vs. Director General, CSIR and Another), decided on 12.4.1991, in which directions were given to the respondents to re-engage casual labourers who were discharged from service. I have gone

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through a copy of that order and find that the allegation in that OA was that the respondents had engaged new persons in jobs and the names of such persons had also ^{been} given by the respondents. Therefore, relief for re-engagement was given in those circumstances. Since no such similar allegations have been raised in the present case, the facts of this case are different and therefore, the ratio of the aforesaid Judgment of this Tribunal in OA No.2215/88 does not apply. In the facts and circumstances of this case, I ^{accept} consider the statement made by the learned counsel for the respondents and the OA is disposed of with a direction that the respondents will consider the absorption of the applicant in accordance with the scheme formulated by them keeping in view the seniority which is stated to be No.1, according to the applicant, after verifying such seniority and subject to the availability of posts. The OA is disposed of accordingly. No costs.

R.K.Rao -
(R.K.AH003A)
MEMBER(A)

/rao/