

Central Administrative Tribunal
Principal Bench, New Delhi

(3)

OA No.759/95

New Delhi: May 25, 1995.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

Hari Singh
Casual Labourer (retrenched)
National Art Gallery of Modern Art
Jaipur House
New Delhi

...Applicant

(By Advocate: Shri A.K.Bharadwaj)

versus

Union of India through

1. The Secretary
Ministry of Human Resources
Central Secretariat
South Block
New Delhi

2. The Deputy Secretary
National Art Gallery of Modern Art
Dept. of Culture
Jaipur House, New Delhi

3. The Keeper/Head of Office
National Art Gallery of Modern Art
Dept. of Culture
Jaipur House, New Delhi

...Respondents.

O R D E R (Oral)

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

The applicant who was first engaged as casual labourer under the respondent No.3 had put in a total number of 412 days as on 25.1.1995. He is aggrieved by the abrupt termination of his services without even a notice while work was available and while the respondent No. 3 engaged persons with lesser length of service than him. He, therefore, prays in this application for quashing of the verbal order of termination and for the consequential benefits. In this application he has stated that after terminating his services on 25.1.1995, the respondent No. 3 engaged fresh casual workers namely Sudhir, Sanjay Kumar, Ashok Kumar and Rohtash w.e.f.27.1.95 who ~~are~~ ^{and that} ~~freshers~~ and this action of the respondents is arbitrary, discriminatory and violative of Article 14 & 16 of the Constitution.

2. The respondents contend that as the applicant was engaged on daily wages for a specific purpose at different times, he was not further retained after 25.1.1995 and that the engagement of 4 persons w.e.f. 27.1.95 was for a different purpose. It is further contended that the services of those 4 persons will be discontinued on completion of work for which they are engaged. According to the respondents, the applicant who was engaged as casual labourer for a short period for carrying out a particular nature of work has no right to continue and therefore the applicant has no legitimate grievances to be redressed.

3. After a careful scrutiny of pleadings on record, we find that the action on the part of the respondents in abruptly terminating the services of the applicant while engaging freshers almost simultaneously cannot be considered an act in public interest. There is no mention in the reply affidavit that the nature of work for which the applicant was engaged was in any way different from the nature of work for which they engaged the 4 other persons. The four persons were also engaged for shifting work which the applicant was also doing. So if there was work of the same nature, the respondents should not have disengaged the applicant on 25.1.1995. ~~The contention~~ ^{is} ~~though~~ the respondents have in their reply stated ~~was~~ ^{is} that the four persons were engaged for a different type of jobs. It is admitted at the bar that the job was only shifting and not of technical nature.

4. Under the circumstances, we are of the considered view that the interest of justice will be met if the respondents are directed to re-engage the applicant for casual work as long as persons with lesser length of service continue in service. If at all termination of his services is ~~considered to be~~ necessary, it should be on the basis of ~~last come first go~~. The respondents are also directed to take up the question of the applicant's regularisation in accordance with rules and instructions in regard to regularisation of casual labourers, if he is otherwise found eligible.

No costs.


(K. Muthukumar)
Member (A)
aa.


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