

Central Administrative Tribunal
Principal Bench

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O.A. No. 1039/95

(S)

New Delhi, this the 9th day of May, 1996

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

1. Som Raj s/o Shri Chatter Singh,
r/o 1228, Pratap Nagar,
Paharganj,
New Delhi.
2. Rashpal Singh s/o Shri Shingo Ram,
r/o 1228 Pahar Ganj,
New Delhi.

(By Mrs. Rani Chhabra, Advocate) ...Applicants

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Union of India through

1. Secretary of Communication,
Department of Telecommunication,
Sanchar Bhawan,
New Delhi.
2. Telecom District Engineer,
Pathankot (Punjab).
3. Sub Divisional Officer Phones,
Pathankot (Punjab).
4. Sub Divisional Officer Phones,
Pathankot (Punjab).

(By Shri M.M.Sudan, Advocate) ..Respondents

O R D E R (Oral)

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

Applicants, two in number, who rendered casual service under the Telecommunication Department from June, 1986 onwards and were relieved, according to them, on 23.7.88 to take up employment with T.C.I.L. and came back from that service on 5.9.1990, were not re-engaged by the respondents. The respondents were getting the work of perennial nature done by engaging workers through contractors. Aggrieved by such action, the applicants

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filed O.A. No. 98/92 and 99/92 respectively. However, these applications were dismissed. Now, that the applicants remained unemployed and that they have come to know that the respondents are still in need of casual workers and are engaging freshers, they have filed this application for a direction to the respondents to re-engage them and to restrain the respondents from getting the work of perennial nature done through contractors.

Respondents oppose the application. They contend that the applicants have no subsisting cause of action or any valid claim as their earlier applications have been considered by this Tribunal and their claims were rejected.

We have heard the learned counsel on either side and have also perused the pleadings. Even though the applicants may not be entitled to all the reliefs that ^{they} is sought for in the application, considering the facts that the applicants had rendered service under the respondents in past for a considerable time, the interest of justice demands that they should be considered atleast for re-engagement as and when there is a need for the respondents to engage ~~casual~~ workers. It will be ^{more} ~~more~~ ^{inasmuch as} also be more advantageous to the respondents inasmuch as the applicants have rendered service under them and have some experience with the respondents.

In view of what is stated above, we dispose of this application directing the respondents that if and

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when there is any need for engagement of casual workers
the respondents shall consider the applicants, ^{for engagement} though
not sponsored by the employment exchange, in preference
to freshers and outsiders. There is no order as to costs.

~~Reeday~~
(R.K. Ahuja)
Member (H)

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

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