

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 2360 of 1996

New Delhi, this the 29th day of September, 1997

Hon'ble Mr. N. Sahu, Member (A)

1. Chetan Prakash Tyagi,  
S/o Shri Ram Kumar Tyagi,  
r/o House No. 1870,  
Wazir Singh Street,  
Paharganj, New Delhi

2. Mohd. Mukhthiyar  
S/o Md. Tahir Hussain,  
r/o House No. 1870  
Wazir Singh Street,  
Paharganj, New Delhi

- APPLICANTS

(By Advocate Shri A.K. Bhardwaj)

Versus

1. Union of India, through  
Ministry of Home Affairs,  
Government of India,  
North Block, New Delhi.

2. The Director General, Central  
Bureau of Investigation,  
CGO Complex, Lodhi Road,  
New Delhi - 110 003.

3. Office of the Superintendent of  
Police, Central Bureau of Investigation,  
Training Division, CBI Academy,  
Hapur Road, Ghaziabad U.P.

- RESPONDENTS

(By Advocate Shri R.P. Aggarwal)

J U D G M E N T (Oral)

By Hon'ble Mr. N. Sahu, Member (A)-

The prayer in this Original Application is to quash the oral order of termination and direct the respondents to reinstate the applicants with all consequential benefits.

2. In response to a requisition to Employment Exchange to the post of Plumber and Electrician on daily wages, the respondents interviewed and selected

applicants nos. 1 and 2 on daily wages with effect from 5.1.1996 as Plumber and Electrician respectively. The learned counsel for the respondents states that applicant no.1 had worked for 200 days and applicant no.2 had worked for 190 days. The sanction was obtained for this limited period and there was no extension thereafter. Accordingly, the respondents terminated the services of the applicants and their representation to the Superintendent of Police was of no avail.

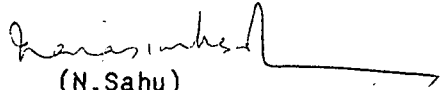
(NA)

3. It is submitted in the counter that before occupying the newly constructed building at Ghaziabad it was necessary to engage one Plumber and one Electrician on purely temporary daily wages. The work was over and with effect from July, 1996 the maintenance of the building was taken over by the CPWD. Annexure-R-1 is a letter from the CPWD corroborating this submission.

4. The learned counsel for the applicants submits that having been sponsored by the Employment Exchange; and interviewed and selected for a job; and having worked satisfactorily in that job the respondents should consider the applicants for regularisation. It is submitted by Shri Aggarwal, learned counsel for the respondents, since there is no work and the entire work has been taken over by the CPWD the applicants cannot be engaged even if they want.

5. This O.A. can be disposed of by following the law laid down by the Apex Court in this regard. While no casual labourer has any right to a substantive sanctioned post yet once engaged and having worked satisfactorily for a specific period of time he cannot be dis-engaged if work is available. As and when the work gets completed the termination/dis-engagement would start on the basis of last come first go. Thereafter as and when work is available persons on the basis of seniority should be re-engaged. Keeping this in view, I would direct the respondents to make a note of the services rendered by the applicants as Plumber and Electrician for a period of about 200 days and as there is nothing on record to show that the respondents were dis-satisfied with their professional performance they should re-engage them on the basis of seniority as and when work of Plumber and Electrician is available. With these directions, the O.A. is disposed of.

6. M.A.1656 of 1997 is not pressed and it is accordingly disposed of.

  
(N.Sahu)  
Member(A)