

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 507/96

New Delhi this the 24th Day of July 1998

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

1. Shri Rai Singh,
S/o Shri Maha Singh,
Resident of Village & P.O.
Majra Dabas,
Delhi.
2. Smt. Meehan
W/o Shri Hari Parkash,
Resident House No. 502,
Gali No. 34-35,
Tri Nagar,
Delhi - 110 034.
3. Smt. Vimal,
W/o Shri Nanna Singh,
Resident House No. 3878,
Kucha Mottar Khan,
Mori Gate,
Delhi.
4. Smt. Raj Bala,
W/o Shri Chander Pal,
resident House No. EE-2378,
Jehangirpur,
Delhi.
5. Smt. Bala Devi,
W/o Shri Sat Pal,
Resident of Jhuggi No. 1035,
Durga Basti,
Khyber Pass,
Delhi. Applicant

(By Advocate: Shri A.K. Bharadwaj)

-Versus-

1. National Capital Territory of Delhi
Service to be effected through
The Chief Secretary,
5, Alipur Road, Delhi - 110 054.
2. The Directorate of Transport,
National Capital Territory of Delhi
Service to be effected through the
Director/Commissioner
5/9 Underhill Road, Delhi - 110 054.
3. Administrative Officer,
Govt. of National Capital Territory
of Delhi, Transport Department,
5/9 Underhill Road,
Delhi - 110 054. Respondents

(By Advocate: Shri Jog Singh)

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ORDER (Oral)

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The claim of the applicants five in number, is that they had worked with the respondents as casual labour continuously from 1994 to 1995 and on that basis they have prayed that they be declared as permanent employees.

2. The respondents in reply have stated that Applicant No. 1 was engaged as Watchman and the other applicants were engaged as Sweepers for a period of six months from 14.6.1994 to 13.12.1994 and again from 2.1.1995 to 31.3.1995. All the applicants were also duly considered for regular Group 'D' posts. Applicant No. 1, Shri Rai Singh was on that basis offered a temporary post. Applicants No. 2 however were not found suitable by the Staff Selection Board.

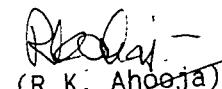
3. I had heard the counsel for the Applicant on the previous date and an order dated 26.3.1998 was passed in the absence of the counsel for the respondents. Thereafter MA No. 1033/98 was filed by the respondents. On the MA being allowed, I have also heard the learned counsel for the respondents, Shri Jog Singh. He submits that the applicants had put in only short periods of casual labour with the respondents and they were not entitled to grant of temporary status and regularisation as only in cases where casual labourers have worked for more than 240 days that any directions are issued. This is not the correct position. In the present case admittedly the applicants have worked for certain periods with the respondents. Their services have since been dispensed with. They now claim re-engagement. Since they have already worked for certain periods, they have a

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preferential claim over those whomay be outsiders or
juniors to them in terms of period of service rendered as
casual labourers. This is because services of ad hoc or
casual workerscannot be replaced by another set of ad hoc
casual labourers particularly outsiders and juniors.

4. In view of this position this OA is disposed
of with the direction that in case work of casual
labourer becomes available with the respondents, they
will also consider Applicant Nos. 2 to 5 giving them due
preference over juniors and outsiders.


(R.K. Ahuja)
Member(A)

Mittal