

Central Administrative Tribunal  
Principal Bench: New Delhi

OA 1268/97

New Delhi this the 18th day of September 1997.

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

Gopal Lal Jat  
S/o Duliya Ram  
R/o 1541/209 Ganesh Nagar  
Delhi - 110 035.

...Applicant

(By advocate: Mrs Rani Chhabra)

Versus

Union of India through

1. Secretary  
Ministry of Communication  
Dept. of Telecommunication  
Sanchar Bhawan  
New Delhi.
2. General Manager  
Satellite Project  
Ari Centre, First Floor  
E-2 Jhandewalan Extension  
New Delhi.
3. Divisional Engineer (Telegraph)  
Jodhpur
4. Executive Engineer (Telecom)  
Civil Division  
Jodhpur

...Respondents.

(By advocate: None)

O R D E R (oral)

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

The relief claimed is for a direction to re-engage the applicant on the vacant post lying with the respondents, as the applicant has a preferential right over his juniors and outsiders. It is submitted by the learned counsel that the applicant will be satisfied if he is considered alongwith others as and when the respondents contemplate engaging a casual labour.

2. The applicant was initially engaged as a casual labour on 20.5.1987 and had continuously worked in the Department of

Telecommunication upto 31.10.1988. According to the learned counsel, the respondents contemplate to fill up certain vacancies in Group-D and for this purpose they propose to take casual labourers who after gaining some experience are conferred temporary status eventually leading to their absorption in Group-D posts. When the applicant came to know of the vacancy and the proposal to take some casual labourers, he approached the Executive Engineer (Telecom), Civil Division, Jodhpur, respondent No.4 in the OA by petition dated 5.6.1995. The subsequent reminder was disposed of by Annexure A-1 page 19 of the OA in which the Executive Engineer stated that the applicant's representation was not received by him.

2. This OA can be disposed of at the admission stage by directing the applicant to file a fresh representation within a period of 20 days from today to respondent No.4, whereupon respondent No.4 shall consider and dispose of the same within a period of four weeks. It is now settled law that every applicant has a right to be considered for engagement as a casual labourer if the conditions are satisfied. With the experience of one year and five months to the applicant's credit, he has a right to be considered alongwith others and in doing so, his earlier experience may also be kept in mind by the appointing authority. With these observations, the OA is disposed of. No costs.

*Narayan Sahu*  
(N. Sahu)  
Member (A)

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