

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1721/1997

New Delhi, this 1st day of Sept., 1997

Hon'ble Shri S.P. Biswas, Member(A)

Shri Abdul Kalam
s/o Shri Mohd. Hanif
163, Babu Park
Kotla Mubarakpur, New Delhi .. Applicant

(By Smt. Rani Chhabra, Advocate)

versus

Union of India, through

1. Secretary
Deptt. of Telecommunication
Ministry of Telecommunication
Sanchar Bhavan, New Delhi
2. Sub-Divisional Officer
Telegraphs, Bijnore .. Respondents

ORDER

The applicant herein, who was working as casual labnurer under the respondents, is aggrieved by the termination of his services orally communicated to him and seeks direction for his re-engagement.

2. Learned counsel for the applicant would submit that the applicant has put in more than 240 days of service during 1985-86 and again during 1986-87. She would further submit that the respondents have many projects in hand for the execution of which they need persons but the instead of accommodating and absorbing the applicant the respondents have indulged in unfair labour practice and engage outsiders and freshers ignoring the legitimate claim of the applicant who had worked in the department for more than 2 1/2 years. Placing reliance on the direction of the Hon'ble Supreme

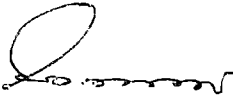
(3)

Court on the subject of daily rated casual labours in 1988(1)SCC 128, a scheme for engagement of casual labours was evolved by all Government departments. As per counsel, the applicant's case for re-engagement is well covered under the aforesaid scheme.

3. The applicant's claim is based on the following:

- (i) As he has rendered continuous services for more than 240 days, he ought to have been re-engaged based on the directions of the Hon'ble Supreme Court in terms of the principles of "first come last go" enunciated in Inder Pal Yadav's case.
- (ii) Since the applicant was never informed that he was being recruited for completing any project and shall be retrenched as soon as the Project is complete.
- (iii) Since he has already worked continuously for more than 240 days his case could be covered under the benefits of the Scheme dated 10.9.1993.
- (iv) The policy of the respondents in terminating the casual labourers recruited after 30.3.1985 is contrary to directions of this Court.

4. In the circumstances, I dispose of this OA with the direction to the respondents to consider re-engagement of the applicant in preference to his juniors/freshers as and when work is available for casual labours under them. No costs.


(S. P. Biswas)
Member(A)

naresh