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M.A.No.1915/97

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9. Kamal Dev Paswan

Indian Agricultural Research Institute
Pusa, New Delhi - 12.

... Respondents

(By Shri V.K.Rao, Advocate)

O R D E R (Oral)

Applicant No.1 claims that he worked with the respondents during the year 1986-87 for a total number of 194 days as daily paid labour. Applicant No.2 states that he worked with the respondents in similar capacity for 76 days in the year 1990. The case of the applicants is that the respondents have issued a public notice in the Newspaper dated 14.9.1993 (Annexure A2) stating that the individuals who have worked as daily paid labourers in Indian Agricultural Research Institute and who have proof in support thereof are required to register themselves with the Institute during working hours by producing attendance record issued by the Institute on or before 31.10.1993 in order to prepare a consolidated seniority list of daily paid labour for future appointment. The grievance of the applicants is that though they have submitted their attendance records showing the periods for which they have worked with the respondents, the respondents have ignored their seniority and granted temporary status to the persons who were employed with the respondents at later dates and who are junior to the applicants.


2. No reply has been filed by the respondents. I have however heard Shri V.K.Rao, learned counsel for the respondents, as well as Shri S.L.Hans, learned counsel for the applicants. The learned counsel for the respondents fairly admits that the respondents will consider the applicants for re-engagement in the order of their seniority subject to availability of work but the grant of temporary status under the Scheme can be done only if the applicants fulfil the conditions laid down in the Scheme, one of which is that they must have worked for 240 days in two consecutive years.

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3. I have carefully considered the matter. Since it is an admitted position that the applicants have not put the requisite service for grant of temporary status, their plea in this respect cannot be granted. However, the applicants can claim for re-engagement on the basis of their seniority in preference to their juniors and outsiders. Accordingly, I dispose of this OA with a direction that the respondents will consider the applicants for re-engagement in preference to their juniors and outsiders as Casual Labour in case the work is available. However, it is made clear that the applicants will not have any claim for preference over those who have already been granted temporary status and are working with the respondents.

OA is disposed of as above. No costs.


(R. K. AHOOJA)
MEMBER(A)

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