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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.2375 of 1997

New Delhi, this the 12th day of February, 1998

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

Raj Kumar Rai, H.No.826, Block No.55,
I.A.R.I., Inderpuri, New Delhi - 12 -APPLICANT

(By Advocate Shri S.L.Hans)

Versus

1. Union of India through Director General Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.
2. Director, Indian Agricultural Research Institute, Pusa, New Delhi.
3. Vijay Kumar C/o Respondent No.2 -RESPONDENTS

(By Advocate Shri V.K. Rao)

O R D E R (O R A L)

By Mr. N. Sahu, Member(Admnv) -

The prayer in this Original Application is for a direction to set aside/ modify the order dated 3.1.1995 which conferred temporary status to 50 casual labourers and modify the seniority list of casual labourers so as to grant necessary benefits to the applicant..

2. The brief facts are that the applicant worked with respondents 1 and 2 in the years 1986, 1987, 1989, 1990 and 1993 for an aggregate period of 312 days. Since he was not given any engagement he filed O.A.No.2573/92 against respondents 1 and 2. Respondent no.2 Dr.S.K.Sinha, Director of the Institute filed an affidavit affirming that the applicant and one Shri Satyanarayan Yadav, also an applicant in another O.A.No.2811/92, were approved

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for engagement. It was also affirmed that a seniority list of daily paid labourers who have completed 240 days was maintained. In view of this affidavit, the O.A. was disposed of as infructuous.

3. The grievance of the applicant is that while Shri Yadav, junior to him, continued in service, the applicant was never engaged from September, 1993 onwards. In view of the affidavit filed by respondent no.2 approving the name of the applicant for engagement, the failure to implement the same till date needs to be explained. It is explained by the learned counsel for the respondents that an offer of engagement was subject to the availability of vacancy and the order of this Court also refers to the fact that a seniority list of daily paid labourers, who have completed 240 days service, was maintained. The order has to be read as a whole. It will, therefore, meet the ends of justice if a direction is issued to respondent no.2 that the applicant shall be engaged as soon as a vacancy is available provided that no person senior to him is awaiting an engagement. Ordered accordingly. The applicant's seniority qua others shall be considered and his name included in the seniority list of casual labourers, as on the date when the said affidavit was filed, keeping in view the fact that the applicant had completed 240 days

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of service and an assurance was given in the said affidavit. The O.A. is accordingly disposed of. No costs.

Narayan Sahu
(N. Sahu)
Member (Admnv)

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