

Central Administrative Tribunal
Principal Bench

O.A.No.2828/97
M.A.No.2861/97

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

New Delhi, this the 30th day of March, 1998

(3)

1. Shri Om Prakash
s/o Shri Hari Ram
r/o 31/990, DDA Flat
Madangir
New Delhi - 110 062.
2. Shri Keshavdev
s/o Shri Sohan Lal
r/o 31/990, DDA Flat
Madangir
New Delhi - 110 062. Applicants

(By Shri R.K.Shukla, Advocate)

Vs.

Union of India through

1. The Secretary
Ministry of Finance
North Block
New Delhi.
2. Revenue Secretary
Ministry of Finance
North Block
New Delhi.
3. Under Secretary (GAR)
Department of Revenue
Ministry of Finance
North Block
New Delhi.
4. Section Officer (GAR)
Department of Revenue
Ministry of Finance
North Block
New Delhi. Respondents

(By Shri Madhav Panikar, Advocate)

O R D E R (Oral)

Both the applicants claim that they worked with the respondents as Watermen in 1991-92 and again in 1995, 1996 and 1997, their last engagement being from 28.4.1997 to 15.10.1997. The applicants are aggrieved that though juniors with lesser length of service have been retained

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2. by the respondents, the services of the applicants have been dispensed with. They also submit that while juniors have been considered for grant of temporary status and regularization as Group 'D' employees, the claim of the applicants have been overlooked.

2. The respondents in reply submit that records pertaining to the year 1991 and 1992 are no longer available and hence they are unable to comment on the claim of the applicants for the said period. However, they admit that the applicants have worked for various periods during 1995-97. They have also given details of these periods.

3. I have considered the matter. It would appear from the details given by the respondents that the applicants have worked for various periods during the year 1995, 1996 and 1997 in respect of Applicant No.1 and 1995 and 1997 in respect of Applicant No.2. However, the period of service of both the applicants in any one year does not come to 240 days. They are not thus eligible for consideration for grant of temporary status. Nevertheless, the applicants are entitled to preferential treatment in the matter of re-engagement on the basis of the service rendered by them. The respondents, on the other hand, do not deny that the juniors were kept in service but the same had been done keeping in view their performance and industriousness and amenability to discipline. They also say that they did not keep any seniority list of Casual Labour. The stand of the respondents cannot be accepted. It is a settled position that the casual labour, in the matter of re-engagement is entitled to preferential treatment over juniors on the

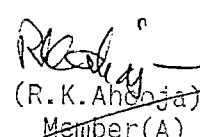
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basis of their service already rendered. The learned counsel for the respondents however, on instructions from the Departmental Representative, states at the Bar that at present no casual labour has been engaged by the respondents.

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4. In view of the above position, the OA is disposed of with a direction to the respondents that in case work is available with the respondents and they propose to engage casual labourers, then the respondents would consider the applicants and give preference to them for their re-employment on the basis of the days of work already put in by them. After such re-engagement, they will also consider the cases of the applicants for grant of temporary status and regularization in terms of the relevant Scheme.

The OA is disposed of as above. No costs.


(R.K. Ahonja)
Member(A)

/rao/