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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 478/97

New Delhi this the 19th Day of March 1998

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

1. Shri Rajbeer Singh,  
Son of Shri Shyam Singh,  
C/o Shri Triveni Shankar Saxena,  
E-Block, H.No. 541, Jai Jai Khyalaganv Colony,  
New Delhi.
2. Shri Leelpat Singh,  
Son of Shri Om Prakash  
C/o Shri Chaman Swaroop Bhatnagar,  
A Block, 237/16 Prem Nagar III,  
Kiradi Naglai,  
New Delhi - 110 041.
3. Shri Samarpal  
Son of Shri Khacheru Singh,  
C/o Shri Krishna Avtar Bhatnagar,  
H.No. 1421 Shorawali Kothi,  
Sabzi Mandi, Ghantaghar,  
Delhi.
4. Shri Ram Saran  
Son of Shri Bhoore Singh,  
Gali No. 7, Lalita Park,  
New Delhi.

Petitioners

(By Advocate: Shri R.K. Shukla)

-Versus-

1. Union of India.  
through the Secretary,  
Ministry of Telecommunication,  
Sanchar Bhawan,  
New Delhi.
2. The District Manager,  
Telecommunication,  
Moradabad (UP).  
Respondents

(By Advocate: Shri A.K. Bhardwaj)

ORAL ORDER

The applicants, four in number, claim that they have worked as casual labourer in the office of the Divisional Telecom Office, Moradabad for various periods between 1983 to 1987. They further state that thereafter they were engaged on day-to-day basis on ACG 17 with the Office of the District Telecom Manager, Moradabad upto March 1996. Their grievance is that respondents have now stopped engaging

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them. They have come to the Tribunal with the prayer that the respondents be directed to consider the applicants for engagement as casual labourer in preference to juniors and outsiders and they be also granted as per rules temporary status and regularisation as Group 'D' employees.

2. The respondents in their reply have raised a preliminary objection that the application is time barred as the applicants have come before the Tribunal after a lapse of ten years having as per their own claim worked with the respondents on the last occasion in 1987. They further state that the applicants who were engaged on a casual basis were dis-engaged and no more requirement of casual labour. The engagement of casual labourer on ACG 17 basis is only for sporadic and temporary requirement and no claim can be made on the basis of such engagement.

3. I have heard the learned counsel for the applicant Shri R.K. Shukla and the learned counsel for the respondents Shri A.K. Bharadwaj. Shri Bharadwaj has cited Supreme Court's judgement in Rattam Chandra Samanta and others Vs Union of India JT 1993(3) SC 418 in support of his contention that the delay on the part of the applicant deprives them of any further right for consideration. The petitioners in that case were also casual labourers and had sought a direction for inclusion of their names in the live casual labour register. The Hon'ble Supreme Court in that case held that since they had come after a lapse of 15 years, no remedy was available to them. The learned counsel for the applicant has on the other hand cited Danubha Ramsang & Anrs. Vs. Union of India AISLJ 1991(2) P 40 in

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which it was held that in the case of labourer which had been retrenched in 1984 and the application had been filed in 1988, the delay could be condoned in the circumstances of the case as the applicants had filed their application with a stipulation to forego their back wages.

4. I have considered the matter carefully. The relief sought in the present case is not against the order of termination. The prayer in fact is that the respondents be directed to give preference in the matter of re-engagement on the basis of their past services over their juniors and outsiders. The ratio of Rattan Chandra Samanta does not apply in the present case as the applicant in Rattan Chandra Samanta fell into two categories, one category having been retrenched before 1.1.1981 and the other after that date. The relief which the applicants had sought related to a scheme formulated by the railways providing that those who had been retrenched after 1.1.1981 were entitled to have their names kept on the live casual labourer register however those who had been retrenched prior to that date had to make a representation to have their names so included in the said register. It was in respect of those who fell in the category of persons retrenched before 1.1.1981 that the Hon'ble Supreme Court held that they had lost their right due to delay. The fact and circumstances in the present case are different inasmuch as there is no cut off date nor the applicants are seeking the benefits of the Scheme in respect of their re-engagement. The only question here is preference on the basis of their past experience. Since the respondents do not deny that the applicants had worked with them for a fairly period of four years, I intend to condone

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the delay in their cases. Accordingly, the application for condonation is allowed in the facts and circumstances of this case.

5. As the applicants were in service for a considerable long period with the respondents, I also allow this application to the extent that the respondents are directed to give preference to the applicants in the matter of re-engagement as casual labourer over their juniors and outsiders in case they have any requirement of casual labour and propose to make fresh recruitment for the same. It is, however, made clear that the applicants will not be entitled for preferential re-engagement over such persons who have already been engaged as casual labourer by the respondents and are still in service with them.

  
( R.K. Ahooja )

Member (A)

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