

Central Administrative Tribunal
Principal Bench

O.A.No.574/97

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

New Delhi, this the 20th day of October, 1997

Bachan Singh Bisht
r/o S IV/1956,
R.K.Puram
New Delhi - 22.

... Applicant

(By Shri Yogesh Sharma, Advocate)

Vs.

1. Union of India through
The Secretary
Ministry of Commerce
Udyog Bhavan
New Delhi.

2. The Under Secretary
Ministry of Commerce
Udyog Bhavan
New Delhi.

... Respondents

(By Shri K.C.D.Gangwani, Advocate)

O R D E R (Oral)

The applicant was employed on co-terminous basis in a Commission which was set up by the Ministry of Commerce for the Study of Issues Concerning the Protection of Labour Rights and related matters and on the completion of the work of the Commission in April 1996, the services of the applicant were also terminated w.e.f. 30.4.1996. The applicant made a representation for his re-engagement but the same was rejected by the letter dated 1.8.1996 (Annexure A5) on the ground that the applicant was appointed purely on a co-terminus basis.

2. The applicant has now come before this Tribunal seeking a direction to the respondents to absorb him against a Group 'D' post which may be vacant in the Ministry of Commerce.

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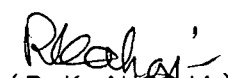
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3. The respondents have filed a reply in which they have reiterated the contention that the applicant was engaged on co-terminus basis and therefore after the work of the Commission is over he could not be retained.

4. I have heard the counsel on both sides. The learned counsel for the applicant submits that while the applicant has no right for continuing in service but he has a right of preferential treatment compared to his juniors and outsiders. I agree with the contention of the learned counsel that a casual labourer who is engaged is not to be replaced by another casual labourer and hence those who were engaged earlier would have a prior claim of consideration.

5. For the reasons stated above, the OA is disposed of with a direction that the respondents will consider the applicant for re-engagement, should he apply for the same, as and when the work is available, as a Casual Labour giving due consideration for the period of service rendered by him in preference to his juniors and outsiders.

The OA is disposed of as above. No costs.


(R.K. AHOOJA)
MEMBER(A)

/rao/