

Central Administrative Tribunal
Principal Bench, New Delhi

OA No.2165/94

New Delhi: February 21, 1995

Hon'ble Mr S.R.Adige, Member (A)
Hon'ble Mrs Lakshmi Swaminathan, Member (J)

Vinod Kumar Sharma
R/o 76, Ward No. IV
Mehrauli
New Delhi- 110 030.

...Applicant

(By Advocate: Mr V.P.Kohli)

Versus

Union of India through

1. The Director General
All India Radio
Akashwani Bhavan
New Delhi-110 001.
2. The Superintending Engineer
C.C.W, All India Radio
Soochana Bhavan, 5th Floor
New Delhi-110 001
3. The Executive Engineer (Elec.)
Electrical Division I
C.C.W. AIR, 10th Floor
Soochana Bhavan
New Delhi-110 001.

...Respondents

(By Advocate: Mr. M.K.Gupta)

JUDGEMENT (Oral)

Hon'ble Mr S.R. Adige, Member (A)

In this application, Shri Vinod Kumar Sharma has prayed for a direction to the respondents to re-engage the applicant against one of the existing vacancies in preference to his juniors and freshers, and also to pay him due wages for the period 1.4.1993 to 24.4.1993.

2. Admittedly, the applicant was engaged as a casual labourer on 1.5.1992 in the office of the Executive Engineer (Elec.), Division I, All India Radio, Soochana Bhavan, New Delhi, and was paid wages on daily rates. Admittedly, he continued to be so engaged till 31.3.1993. The applicant claims that he worked upto 24.4.1993, after which he was dis-engaged by oral orders, whereas the respondents

contend that the applicant left work on 31.3.1993 itself on his own volition without informing the department and did not rejoin thereafter.

3. In support of the applicant's claim that he worked for the period 1.4.1993 to 24.4.1993, he has attached photocopy of a hand receipt for the above period, said to have been signed by the Executive Engineer(Elec.) Division I, for his wages for the above period. The respondents contend that this hand receipt was not actually passed because upon subsequent verification it was found that the applicant had in fact not worked for this period.

4. We heard Mr. V.P.Kohli for the applicant and Mr M.K. Gupta for the respondents.

5. In so far as the prayer for wages for the period 1.4.93 to 24.4.93 is concerned, Mr M.K.Gupta has very fairly stated that they would have no objection to re-examining the records particularly the attendance register and if it is found that the applicant had actually put in the work for the period 1.4.93 to 24.4.93, they would pay him the wages for the period, as they had no intention of deliberately holding back the wages of the applicant for the number of days of work put in by him.

6. In so far as the question of re-engagement is concerned, although Mr Kohli has stated that the very fact that the applicant was given regular scale of pay for the month of March 1993 vide Annexure A-I indicates that the applicant's status had improved from that of a daily wager to that of a person with temporary status, in accordance with the scheme for granting temporary status to the employees.

7. As the applicant is without work at present, as stated by Mr Kohli, the first consideration would be for his engagement, even if

6

it be on daily wages. Under the circumstances, subject to availability of work, the respondents, if they ~~so~~ desire to engage casual labourers, should consider the case of the applicant in preference to ~~freshers~~^{outsiders} and those with overall lesser length of service. If and when upon such consideration, the applicant is engaged as a casual labourer on daily wages, he may thereafter agitate separately for upgradation in ^{his} status to that of an ^{Temporary} employee on regular scale, through appropriate proceedings.

8. This application is disposed of accordingly. No costs.

Lakshmi Swaminathan

(Lakshmi Swaminathan)

Member (J)

S.R. Adige

(S.R. Adige)

Member (A)

aa.