

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.296 of 1994

New Delhi, this the 15th day of March, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman

Hon'ble Mr B.N.Dhondiyal, Member(A).

1. Lalan Yadav, Peon(Daily Wager)
Office of the Principal Chief Controller
of Accounts, Central Board of Excise and
Customs A.G.C.R.Building, 1st Floor,
New Delhi.
2. Harinder Rai,
Peon(Daily Wager)
Office of the Principal Chief Controller
of Accounts, Central Board of Excise
and Customs, A.G.C.R.Building, 1st Floor,
New Delhi.
3. Desh Raj, Peon(Daily Wager)
Office of the Principal Chief Controller
of Accounts, A.G.C.R.Building, 1st Floor,
New Delhi.
(through Mr K.N.R.Pillai)

.....Applicants

vs.

Principal Chief Controller of Accounts
Central Board of Excise & Customs,
A.G.C.R.Building, 1st Floor,
New Delhi.

..... Respondent.

(J.P.Singh, I.C.No.074503)

ORDER (ORAL)

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman

Though a number of reliefs have been claimed in this O.A., the learned counsel for the applicant has confined his submissions to the effect that we should direct the respondents to give preference to the applicants over freshers while engaging casual workers for short durations.

2. A counter affidavit has been filed on behalf of the respondents. The departmental representative Mr J.P.Singh has been heard in opposition to this application.

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3. The material averments in the counter affidavit are these. The order of the Chief Controller, as Head of Department is: "No work justification exists for continuation of casual labour, we may hire casual labour now only when the summer season begins for filling water in cooler etc." It is incorrect that the services of the applicants were terminated for replacement by fresh candidates called for from the Employment Exchange. The applicants were employed as Daily Wage Coolies and not as Daily Wage Peons for work of casual or seasonal nature i.e., for filling water in coolers in the Summer Season upto Sept., 1993 and later on upto 9.2.1994 in connection with cleaning of Old record rooms and shifting of old furniture/records to the old record room etc. Daily wage workers are engaged for casual nature of work during summer seasons for filling water in coolers for specific periods. Shri Lalan Yadav has worked for 168 days from 24.6.93 to 9.2.94. Shri Harinder Rai ^{worked} for 173 days during the periods from 23.6.1993 to 9.2.1994. Shri Desh Raj worked for 137 days during the period from 27.7.93 to 9.2.94.

4. It is not the case of the respondents that the respondents were not duly sponsored by the Employment Exchange concerned. If and when a fresh engagement is to be given to the applicants as casual worker, the respondents shall not insist upon ^{as applicants} ~~from~~ being re-sponsored by the Employment Exchange. They shall treat the applicants as having been duly sponsored by the Employment Exchange. The departmental representative states that at the moment there are no guidelines from the Head office that preference should be given to those casual workers who have put in work without any blemish or complaint, over

freshers. In the absence of any direction from
the Head Office concerned, we ^{consider} see it appropriate
to direct the respondents to give preference
to the applicants, if and when the respondents
are in need of recruiting fresh casual workers,
over freshers.

5. With these directions, the O.A. is disposed
of but without any order as to costs.

B.N.Dhondiyal
(B.N.Dhondiyal)

Member(A)

S.K.Dhaon
(S.K.Dhaon)

Vice Chairman

/sds/