

Central Administrative Tribunal
Principal Bench, New Delhi

OA No. 1788/1994

May

New Delhi: New Delhi, the 25th day of May 1995.

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Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

1. Durga Prasad
J-525 Sewa Nagar
New Delhi
2. Ashok Kumar
House No. 220, Double Storey
New Seelampur, Delhi.
3. Subhash Chandra
J-525 Sewa Nagar
New Delhi

(By Advocate: Shri Raman Kapoor)

...Applicants

Versus

1. Union Public Service Commission
through its Secretary
Dholpur House
Shahjahan Road
New Delhi
2. Secretary
Ministry of Home Affairs
North Block, New Delhi.

(By advocate: Shri Hari Shankar)

...Respondents

O R D E R(Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicants 1 to 3 were initially engaged for casual work under Respondent No.1 in the year 1991. When their services were terminated in November 1991, they filed OA No.2854/91 which was disposed of with directions to the respondents to consider re-engagement of the applicants in preference to outsiders as and when requirement of casual labourers arises. Thereafter they were re-engaged. Again their services were terminated in Feb/March 1992. They were again engaged and again their services were terminated in June/August 1992. Finding that the respondent No.1 had engaged two persons who are outsiders, from the Employment Exchange, namely Raj Mani and Shankar Singh and given them regular employment disregarding the applicants' preferential claim for casual employment as also regular employment, the applicants have filed

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(b)

this application for a direction to the respondents to appoint them on regular basis or at least engage them on casual basis.

2. The respondents in their reply have contended that in pursuance to the directions contained in the judgement in the earlier application, the applicants were taken on casual employment and they were retained in service as long as work was available. About 34 casual labourers who approached Supreme Court were retained in service only upto 1993 pursuant to an interim order though there was no actual requirement for engaging casual labourers. As there was no work, the services of the applicants were terminated. There is no basis for the claim of the applicants that the respondents have disregarded the directions contained in the judgement in the earlier OA and kept the applicants out of the employment, contend the respondents. Regarding appointment Shri Raj Mani and Shankar Singh, the respondents contend that they were appointed against two regular posts in Group-D when such posts were created, duly following the procedure in regard to filling up of vacancies, the Recruitment Rules and the instructions of the Government by intimating to the Surplus Cell as also to various Employment Exchanges and that the applicants who were neither sponsored by the Employment Exchange nor had applied to the posts cannot have any legitimate grievances against the appointment of Shri Raj Mani and Shri Shankar Singh.

3. On a careful scrutiny of the pleadings and materials available on record and of the hearing of the counsels on both sides, we do not find any cause of action accrued to the applicants. The applicants have not raised a contention that they are entitled to be regularised in Group-D posts and that direct recruitment without considering them for regularisation is violative of any rule or

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instructions. Their only claim is that Shri Raj Mani and Shri Shankar Singh are outsiders and therefore in preference/ the applicants should have been engaged. The claim of the applicants is only for re-engagement as and when casual work is available. Recruitment of Raj Mani and Shankar Singh on regular posts could have been done only in accordance with the provisions contained in the Recruitment Rules by intimating the Surplus Cell and the Employment Exchange, and considering those who are sponsored by Employment Exchange or the Surplus Cell as the case may be. Shri Raj Mani and Shri Shankar Singh were sponsored by the Employment Exchange. They were appointed after satisfying all the conditions contained in the Recruitment Rules. The applicant cannot have any legitimate grievance against that.

4. Under the circumstances, we do not find any cause of action for the applicants and therefore, the application is dismissed at the admission stage itself. However, we expect the respondents to consider re-engagement of the applicants as and when requirement to engage casual labourers arises in future in preference to outsiders.

There is no order as to costs.


(K. Muthukumar)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)

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