

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 1448/2000

Wednesday, this the 9th May of 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

(9)

Shri Dinesh Rajak
S/O Shri Ganesh Rajak
E-351, J.J. Colony,
Inder Puri,
New Delhi.

..Applicant.

(By Advocate: Shri P.S.Mahendru)

VERSUS

1. Union of India
through
The Secretary,
M/o Agriculture,
Govt. of India,
Krishi Bhawan,
New Delhi-1.

2. The Director (Administration)
Directorate of Extension
Dept. of Agriculture & Cooperation
M/o Agriculture,
Govt. of India,
Krishi Bhawan, Vistar Bhawan
IASRI, Pusa,
New Delhi-12

..Respondents

(By Advocate Shri R.V.Sinha)

O.R.D.E.R (ORAL)

Heard the learned counsel on either side at length and perused the material placed on record.

2. Having worked under the respondent No.2 ^{and} admittedly for 287 days between 1997/99, the applicant prays for a direction to the respondent ^{for} reengaging him as casual labourer in preference over freshers/outsiders without insisting on a fresh sponsorship by the Employment Exchange. The applicant contends that the respondents have engaged ~~the~~ ^{2 a} number of fresh faces

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ignoring the claim of the applicant based on length of service rendered by him. 10

3. The services of the applicant were dispensed with in June, 1999 and he has not been employed ~~with~~ ^{by} the respondents thereafter. The learned counsel appearing for the respondents submits that a committee of officers has been set up to consider the proposals for employment of daily wagers so as to ensure that the only right kind of people are engaged having regard to the kind of work available in respondents' set up for being done on casual basis. According to him, it is likely that the applicant was not found suitable by the aforesaid committee and ^{why} ~~that~~ has not been reengaged after June, 1999. In reply to the applicant's specific submission that a number of persons have been engaged even though they were freshers and were accordingly junior to the applicant, ^{from} ~~During~~ 3.3.2000 to 6.6.2000 and from 7.6.2000 to 31.7.2000, the respondents merely state that not all persons named by the applicants in paragraphs 4.18 & 4.19 of the OA have been so engaged. Clearly, therefore, an inference can be drawn that at least some persons out of those named by the applicant in the aforesaid paragraphs have been engaged by the respondents on casual basis. The fact that such persons were freshers and were accordingly junior to the applicant has not been specifically denied by the respondents. On the question of fresh sponsorship by the Employment Exchange, the learned counsel for the respondents agrees that in the case of the applicant there is no need for re-sponsorship as his name was initially sponsored by the Employment Exchange.



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4. The learned counsel for the respondents also submits that since in accordance with the certificate dated 5.12.2000 placed on record by the applicant at Annexure A-11, the applicant has been working as Home Guard, he cannot be considered for employment under the official respondents. I do not agree with this plea. The Home Guards are not holders of civil posts and are not ~~Govt.~~ Govt. servants. Furthermore, even active Govt. servants can be deployed as Home Guard. Insofar as the employment of Home Guards in the respondents' set up is concerned, Shri Rajinder Pandita, Advocate present in the court, points out that in terms of a recent circular issued by the Govt. of India those working as Home Guards are to be given preferential treatment in matters of employment in civil posts. Having regard to the aforesaid position, the plea advanced by the learned counsel on behalf of the respondents cannot be sustained. Even though working as a Home Guard, off and on, the applicant can well be considered for ^{ra} possible job under the official respondents.

5. For all the reasons mentioned in the preceding paragraphs, I am inclined to dispose of this OA with a direction to the respondents to consider the claim of the applicant for reengagement as a casual labourer subject to availability of work and in preference over freshers/juniors/outsiders.

6. The OA is disposed of in the aforesated terms.
No costs.



(S.A.T. Rizvi)
Member (A)

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