

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1302/2000
WITH
OA No.1565/2000

9

New Delhi, this the 11th day of the July, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (J)

OA No.1302/2000

Shri Mohinder Singh,
S/o Shri Prem Singh,
Re/o H.No.348/21, Roopnagar,
Gali No.2, (Near Melting
Factory, SONEPAT (Haryana)

.... Applicant

(None present for the applicant)

V E R S U S

The Secretary,
Indian Council of Agriculture,
Research, Krishi Bhavan,
New Delhi - 110001.

... Respondents

(By Advocate: Dr. S.P. Sharma)

OA No.1565/2000

1. Mohd. Gayoor Ali,
S/o Shri Jafar Ali,
R/o H.NO. 56, Near State
Bank, AGaondi Road,
GHODNA, Delhi-110053

2. Shri Sher Singh,
S/o Shri Kharak Singh,
R/o Village Atheja, Distt.
Gautambudh Nagar, P.O.
BISRATH (U.P.).

3. Shri Anil Kumar,
S/o Shri Guru Dutt Bhudatt
R/o Village PALWALI,
P.O. Kheri Kala,
Distt. FARIDABAD.

... Applicants

(None present for the applicants)

V E R S U S

UNION OF INDIA, through,

1. The Secretary,
Ministry of Agriculture,
Krishi Bhavan,
New Delhi- 110001.

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2. The Secretary,
Indian Council of Agriculture
Research, Krishi Bhavan,
New Delhi - 110 001.

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... Respondents

(By advocate: Dr. S.P. Sharma)

ORDER (ORAL)

OA No.1302/2000 has been filed by Shri Mohinder Singh and OA No.1565/2000 has been filed by Shri Mohd. Gayoor Ali, Sh. Sher Singh and Shri Anil Kumar. As these OAs have common facts and same grounds, as the issue involved in both these OAs are identical. Therefore, I proceed to dispose of both the OAs by passing a common order.

2. Applicants are aggrieved by the action of the respondents vide which their services have been dis-engaged and now they propose to engage freshers and outsiders as casual workers by adopting the method of pick and choose.

3. Brief facts of the cases as alleged are that the applicants were appointed as casual workers from time to time but their services were dispensed with by verbal orders so that the applicants should not have any claim left for regularisation and without formulating a panel, the freshers and outsiders are engaged by the respondents. The applicants have also relied upon the judgements of Hon'ble Supreme Court in the case of Inder Pal Yadav Vs. UOI & Ors. (1985 (2) SCC 648) and in the case of Gaziabad Development Authority Vs. Shri Vikram Chaudhary & Ors. (JT 1995 (5) SC 536) wherein it has been clearly directed to the authorities to prepare a

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'panel'. In case there be need to disengage them at a time when there may be no work and remove them as per their date of initial seniority. The applicants have also relied upon the judgement in the case of Central Welfare Board & Ors. Vs. Ms. Anjali Bepari & Ors. (JT 1996 (3) SC 1). He also relied upon the judgement of the Tribunal in OA No.517/1999 in the case of Shri Yogesh Kumar Vs. UOI & Ors. decided on 17.9.1999 wherein the following directions were given:-

- (i) The respondents shall consider re-engaging the applicant for casual jobs in preference to the freshers and new comers.
- (ii) The respondents are directed to maintain the seniority list for the purpose of engagement of the casual labourers who shall be engaged on the basis of "First to come last to go" as held in Inder Pal Yadav's case.
- (iii) If the projects and jobs are available and if the applicant is senior, he will have the claim for being engaged in preference to others who have been taken on the roll later on."

4. Dr. S.P. Sharma appearing on behalf of the respondents has submitted that in accordance with the directions given by the Tribunal in earlier two OAs, the seniority list was prepared which reflected the number of days an individual has worked as a casual worker. So according to the number of days, a panel was prepared and name of all these applicants have appeared in the said panel and as and when the work of Water Boy will be available the persons, who are senior in the panel will be called.

5. Heard the learned counsel for the respondents and perused the records.

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6. The applicants in their OAs have stated that respondents have engaged certain casual workers, who are freshers and outsiders, but they have not been considered. However, the respondents submit that as and when the work of Water Boys would be available with them, the applicants will be called as per their seniority in which their names are at Sl. Nos. 9, 27, 44 and 64 as per Annexure A2. The respondents further submit that the seniority list filed by the applicants is to be maintained regularly.

7. In this background, I feel it would be appropriate to disposed of these OAs by giving direction to the respondents that they should call the casual workers as per the panel at Annexure A2 filed by applicants in preference to freshers and outsiders as and when the work of casual nature is available with them.

8. Accordingly the OAs are disposed of in terms of aforestated directions. No costs.

9. Let a copy of this order be placed in both the OAs.

(KULDIP SINGH)
MEMBER (J)

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