

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA.No.1842 of 2000

New Delhi, this 3rd day of May 2001

HON'BLE SHRI KULDIP SINGH, MEMBER(J)

1. Himmat Singh
S/o Shri Biraju Lal
R/o C-39/26, Vill Nangla
Pragati Maidan
New Delhi
2. Madan Lal
S/o Shri Baghwana Ram
R/o C-39/27, Vill Nangla
Pragati Maidan
New Delhi
3. Bijendra Singh
S/o Shri Mange Ram
R/o C-39/43, Vill Nangla
Pragati Maidan
New Delhi
4. Ramesh
S/o Late Shri Jai Narayan
R/o D-22 National Zoological Park
Mathura Road
New Delhi
5. Main Pal
S/o Shri Pale Ram
R/o H.No. Attaul Rehman Lane
Old Secretariat
Delhi

... Applicants

(By Advocate: Shri A.K. Jairath)

versus

1. Union of India, through
Secretary
Ministry of Environment & Forests
Government of India
Paryavaran Bhavan, CGO Complex
Lodhi Road
New Delhi-110003
2. The Director
National Zoological Park
Mathura Road
New Delhi

... Respondents

(None present)

for

ORDER(Oral)

This OA has been filed by applicants under Section 19 of the A.T.Act,1985 praying for the relief that they be absorbed/recruited in preference to juniors who have been recruited ignoring their claim.

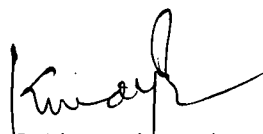
2. Facts in brief, as stated by applicants, are that respondents are managing and maintaining a zoo at New Delhi for the last several years and they have been engaging a large number of daily workers. Respondents have adopted the policy of engaging daily wagers for 2 or 3 months in a stint, thus not allowing them to complete 240 days so that they do not claim their temporary service rights. They allege that they have worked at different periods during the years 1996, 1997, 1998 and 1999. They have also alleged that respondents have obtained sanction for engagement of daily wagers and instead of engaging them, respondents have engaged persons juniors to them and also the principle of "last come first to go" is not followed by respondents.

3. The OA was admitted. Thereafter again the case had come on board. Learned counsel for applicants appears today and none appears on behalf of respondents. I proceed to decide this OA under Rule 15 of CAT(Procedure)Rules,1987.

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4. As there is no denial by respondents about the engagement of applicants on daily wage basis during 1996, 1997, 1998 and 1999, I find it appropriate to dispose of the application that if the work of the nature for which applicants had been engaged, is still available with respondents, applicants will have a right to be engaged and they shall be engaged in preference to juniors and freshers. I direct the respondents accordingly. No order as to costs.

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(Kuldeep Singh)
Member(J)