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Central Administrative Tribunal, Principal Bench

Original Application No.1858 of 2000

New Delhi, this the 24th day of January, 2001

Hon'ble Mr.Kuldip Singh, Member (Judl)

1. Mukesh Kumar S/o Shri Ram Sharan
R/o D-819, Netaji Nagar
New Delhi

2. Devender S/o Shri Jai Pal Singh
R/o 2/12, Jagjiwan Nagar,
Loni Road, Shahdara,
Delhi-93

- Applicants

(By Advocate - Ms. Neelam Singh, proxy for
Sh. U. Srivastava)

Versus

Union of India through

1. The Secretary
Ministry of Welfare, Govt. of India
Shastri Bhawan, New Delhi

3. The Under Secretary
Ministry of Welfare, Govt. of India
Shastri Bhawan, New Delhi

- Respondents

(By Advocate - Shri J.B. Mudgil)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

Applicants have filed this O.A. seeking the following reliefs:

- "a) to declare the inactions of the respondents to not considering the case of the applicants for re-engagement on the grounds of non-sponsorship of their names from the Employment Exchange again, is as illegal;
- b) pass an order directing the respondents to re-engage the applicants against juniors and outsiders; and
- c) to allow the O.A. of the applicants with all other consequential benefits and costs."

2. Facts in brief are that the applicants were earlier given an employment as casual labourers after

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their names were sponsored by the employment exchange. However, their services were terminated on the ground of completion of work. Thereafter, the applicant have been approaching the respondents for re-engagement as casual labourers but they were not considered.

3. Applicants have submitted that they have come to know from reliable sources that respondents have engaged some freshers and outsiders on sponsorship of their names from employment exchange but they were not considered on the plea that fresh sponsorship from the employment exchange in respect of them had not been received. Learned counsel for the applicants submitted that since applicants had worked earlier with the respondents, so they have acquired some rights and should have been considered first for providing work instead of calling fresh names from the employment exchange.

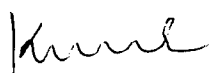
4. O.A. is being contested by respondents. They have admitted that applicants had worked for about 105 days but since their names for fresh engagement had not been forwarded by the employment exchange, therefore, they were not considered for fresh appointment.

5. I have heard Ms. Neelam Singh, learned proxy counsel for the applicants and Shri J.B. Mudgil, learned counsel for the respondents.

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6.. Considering the fact that applicants had earlier worked with the respondents, I am of the opinion that they should have been given preference over freshers and juniors at the time of fresh engagement when the work had again become available with the respondents.

7.. Under the circumstances, this O.A. stands disposed of with a direction to respondents that if the work is available with them, they shall consider the applicants for re-engagement in preference to juniors and freshers, particularly so when their names had earlier been sponsored by the employment exchange. The requirement of again forwarding the names of applicants by the employment exchange for fresh engagement, shall be dispensed with. No costs.


(Kuldip Singh)
Member(Judl)

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