

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Hon'ble Shri Shanker Raju, Member (Judicial)

O.A.No.1944/2000

New Delhi, this the 16th day of October, 2001

Shri Jitender
s/o Shri Ram Kumar
r/o T-127, Indra Colony
Narela
Delhi 110 040.

... Applicant

(By Advocate: None)

Vs.

Union of India through
The Secretary
Indian Council of Agriculture
Krishi Bhavan
New Delhi - 1.

... Respondent

(By Advocate: None)

O R D E R (Oral)

By Shanker Raju, Member (J):

None appears for either of the parties even on second call. In view of this, the present OA is disposed of as per the provisions of Rules 15 and 16 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The claim of the applicant is that he had worked with the respondents as Waterman during summer season of May, 1997. On the basis of the decision of this Court in OA 517/99, Yogesh Kumar Vs. Union of India & Others, decided on 17.9.1999 wherein directions have been issued to the respondents to consider re-engaging the applicant for casual jobs in preference to freshers and new comers and to maintain the seniority list for the purpose of engagement of the casual labourers and if the project 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. In this back ground, it is stated that in pursuance thereof a seniority list has been prepared which is annexed at Annexure-A/II wherein the name of the applicant has been entered at Sl. No.20. The applicant contends that the freshers have been engaged by the respondents and are still continuing. As such he has a vested right to be given preference over the freshers and outsiders in the matters of engagement.

4 3. On the other hand, strongly rebutting the contentions of the applicant, the respondents contend that two seniority lists were prepared in the month of December, 1999 as per the compliance of the directions of this Court in OA No.517/99 and the respondents do not engage large number of DPLs. It is also submitted that in the month of March, 1998 a proposal was made in the ICAR to the effect that contract for maintenance of coolers and for pouring water to be given to the Contractor as a policy decision as such some of the water boys, including applicant, were last time engaged in 1998 were dispensed w.e.f. 24.7.1998. It is however, stated that in case the ICAR again resorts to engage water boys dispensing with the system of contract, claim of the applicant would be considered. It is further stated that in 1997, the applicant had worked for 113 days and he cannot claim seniority or preference vis-a-vis others who are suitably placed in the seniority list of Waterboys. It is also contended that the claim of the applicant is barred by limitation.

4. I have carefully considered the pleadings of the case. In view of the directions of this Tribunal, a seniority list has been prepared by the respondents on 31.10.1999 wherein the name of the applicant has been shown at Sl. No.20 and his name has been entered over other waterboys worked in the year 1997 with the respondents.

5. Having regard to the ratio laid down in OA No.517/99 supra and as the respondents had stated that in the event the work is available the claim of the applicant shall be considered for re-engagement in preference to freshers and outsiders and the fact that seniority list has already been prepared by them the present OA is disposed of with the directions to the respondents to consider the claim of the applicant for re-engagement for casual jobs in preference to the freshers and new comers, if the project and jobs are available keeping in view of the seniority position of the applicant in the list prepared by the respondents, and if the applicant is senior, the claim for being engaged in preference to others who have been taken on the roll later on. No costs.

S. Raju
(SHANKER RAJU)
MEMBER(J)

/RAO/