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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1966 of 2000

New Delhi, this the 9th day of August, 2001

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

1. Kishan Pal S/o Shri Braham Singh
R/o - J-51, Dakshinpuri,
New Delhi.
2. N.K.Mishra S/o Shri Raj Narayan Mishra
R/o BS/169 C Shalimar Bagh,
Delhi-52.
(By Advocate: Shri U.Srivastava)

-APPLICANTS

Versus

- Union of India, through
1. The Secretary,
Ministry of Culture, Yough Affairs and Sports,
Department of Culture, Govt. of India,
New Delhi.
2. The Asstt. Librarian & Information Officer,
M H R D, Govt. of India, "G" Wingh
Shastri Bhawan, New Delhi.
(By Advocate: Shri L.R.Khatana)

-RESPONDENTS

O R D E R (ORAL)

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

The applicant no.1 was engaged twice for five months as casual labourer during 22.4.99 to 30.9.99 and 8.5.2000 to 30.9.2000, while applicant No.2 was engaged as such during the period 2.5.2000 up to 30.9.2000, vide their appointment letters which have been annexed at Annexure A1 & A-2. Thereafter their services have been disengaged by a verbal order stating that their services were no longer required. Aggrieved by the aforesaid order terminating their services, applicants have filed this OA.

2. Applicants seeks a direction to the respondents to allow them further duties after 30th September, 2000 till completion of work as apparently

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work is still existing and the same is being assigned to contractor. They have also prayed for consequential benefits.

3. Respondents in their reply have stated that the applicants were engaged as watermen for filling water in coolers etc during the summer, for a work which was of purely casual, seasonal and intermittent nature and the said engagement was for a specified period, i.e., from 8.5.2000 to 30.9.2000, and at the end of the said period the engagement of applicants automatically came to an end. Therefore, the engagement of the applicants ceased to exist at the end of the said specified period, and since work is not available, the applicants cannot seek a direction to allow duty beyond 30.9.2000.

4. I have heard the parties and perused the material available on record.

5. Learned counsel for the applicant submits that applicants are not only watermen; rather they were assigned duties of dusting and cleaning of library, filling up the coolers, moving furniture, books etc. is an additional as the work is available, with the respondents. It is submitted that respondents should be directed to re-engage them. On the contrary, Shri L.R.Khatana, learned counsel for the respondents submitted that vide Annexure A-1 & 2 appointment letter, applicants were engaged as daily wager, the permission for engagement of casual labourers for the work of waterman being of seasonal and intermittent nature, was

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available only up to 30.9.2000 and, therefore, the services of applicants could not be continued after the said date.

6. Keeping in view of circumstances, I find that the fact remains that the applicants had been engaged for five months during the summer season only.

7. In the circumstances, I find that this OA can be disposed of with a direction to the respondents to consider the applicants as and when work is available with the respondents. They shall also consider re-engaging the applicants in preference to freshers and outsiders. In addition to the above, they will not engage casual workers through contractor, if any work of the nature which applicants were doing they had. No costs.


(KULDIP SINGH)
MEMBER (JUDL)