

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

(6)

OA 2492/2000

New Delhi this the 13th day of July, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

1. Shri Jagbir Singh  
S/O Sh. Rishal Singh,  
Village Nilwal,  
P.O. Tikri Kalan, Delhi.

2. Shri Sunil Kumar  
S/O Shri Ganga Ram  
H.No. G-269,  
Mangolpuri, New Delhi-83

..Applicants

(By Advocate Shri O.P. Kalshian )

VERSUS

1. Union of India, through  
Secretary, Ministry of Defence,  
South Block, New Delhi.

2. Area Commander,  
Headquarters, Delhi Area, Delhi  
Cantt.

3. The Commandant,  
Ordnance Depot,  
Shakur Basti, Delhi-56

.. Respondents

(By Advocate Shri R.N. Singh )

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J))

The main claim of the applicants in this application is that they had been engaged previously by the respondents as Casual Civilian Cooks from October, 1999 to October, 2000 and thereafter disengaged. They have prayed that a direction should be given to the respondents to re-engage them in the same capacity with continuity in service and other benefits flowing therefrom and for further direction to grant them temporary status and consider them for

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regularisation in due course in compliance with the Govt. of India Policy and directives.

2. The applicants state that they have worked as Casual Civilian Cooks for the period from 31.10.1999 to 10.10.2000 continuously but thereafter the payment of salary has been made in part only and some of the payments is still pending with the respondents. On the other hand, learned counsel for the respondents has disputed this fact stating that subsequently, due amounts have been paid to the applicants on 1.2.2001. This fact is not disputed by the learned counsel for the applicants. The main grievance of the applicants is that they have been arbitrarily disengaged from <sup>their</sup> job as Civilian Cooks. Learned counsel for the applicants has submitted that the applicants had been duly appointed after the test/interview as Casual Civilian Cooks in October, 1999, was held. He has, however, not disputed the fact that their payments have been made <sup>on</sup> ~~as~~ daily casual labourer basis. From the annexures to the counter affidavit filed by the respondents, it is noted that they have been appointed to the posts of Civilian Cook initially for a period of 66 days and thereafter, continued from time to time.

3. Learned counsel for the applicants has submitted that out of 12 posts of Civilian Cooks with the respondents, only 9 posts are filled and there is no reason why the respondents have not filled the remaining 3 posts. Learned counsel for the respondents has submitted that the applicants were engaged as contractual/casual cooks to meet the contingent requirements because of the circumstances in

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the year 1999. He has submitted that the competent authority has sanctioned these posts to take care of the contingencies <sup>which</sup> arose and on completion of such requirements their services were discontinued. As mentioned above, he has also submitted that in the meantime, the balance payment of 23 days has also been made to the applicants on 1.2.2001. He has contended that the services of the applicants were not required, and as such there is no need to re-engage them. However, he has submitted that in case any regular vacancies are advertised, it is open to the applicants to apply and they will consider them in accordance with the relevant rules and instructions. In this regard, Shri O.P.Kalshian, learned counsel, has submitted that as the applicants are over-aged now, the respondents should be directed to give them age relaxation, as otherwise they would be disqualified on this ground.

4. After careful consideration of the relevant facts and documents on record, it is clear that the applicants were employed as Casual Civilian Cooks on intermittent basis during the year 1999. In the circumstances, the action of the respondents in dis-engaging their services as they are no longer required in the changed <sup>of the</sup> circumstances is not either arbitrary or unreasonable to warrant any interference in the matter. It is also noted that due amounts for the relevant period when the applicants were working as Casual Civilian Cooks have since been paid to them.

5. One of the main contentions of the learned counsel for the applicants is that the respondents should be directed to consider the claim of the applicants for re

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engagement as Civilian Cooks. As mentioned by the learned counsel for the respondents, in case the respondents issue any advertisement for this purpose, the applicants are at liberty to apply for the same and in that case they shall be considered in accordance with the relevant rules and instructions, including any concession to be given in respect of members of SC Community to which the applicants belong. It is settled law that no such direction can be given to the respondents to re-engage the applicants when the respondents themselves have stated that they do not require the services of the applicants any longer. Therefore, the only direction that can be given to the respondents in this case at this stage is that in case the respondents issue any advertisement for this purpose and in case the applicants apply for the same they shall consider their application in accordance with the rules and instructions in the next selection.

6. In the result, for the reasons given above, I find no merit in this application. Accordingly, the OA fails and is dismissed. No order as to costs.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Vice Chairman(J)

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