

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-252/2000
MA-301/2000

New Delhi this the 16th day of May, 2000.

Hon'ble Dr. A. Vedavalli, Member(J)

1. Sh. Madan Singh
S/o Sh. Chander Singh,
R/o B-716, Indra Nagar,
Bapu Dham, Chanakyapuri,
New Delhi-21.
2. Sh. Narendra Singh,
S/o Sh. Chandi Singh,
R/o H.No.E-135, Mukta Bhawan,
Main Road, Bhajanpura,
Khajuri Colony,
Delhi-94.
3. Sh. Mukesh Kumar,
S/o Sh. Om Prakash,
R/o B-716, Indra Nagar,
Bapu Dham, Chanakyapuri,
New Delhi.
4. Smt. Kamla,
W/o Sh. Shiv Nath,
R/o H.No. 229, Ambedkar Basti,
Ghonda, Delhi-53. Applicants

(through Sh. U. Srivastava, Advocate)

Versus

1. Union of India through
the Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhawan, New Delhi.
2. The Under Secretary,
Govt. of India,
Ministry of Petroleum &
Natural Gas,
Shastri Bhawan, New Delhi. Respondents

(through Sh. Harvir Singh, proxy for Mrs. P.K.Gupta,
Advocate)

O R D E R

The 4 applicants in this O.A. working as
casual labourers under the respondents are aggrieved by
their verbal termination order dated 04.02.2000.

A/

2. Heard the learned counsel for both the parties. Pleadings and other material papers and documents placed on record have been perused. Matter has been considered carefully.

3. MA-301/2000 for joining together in one application is allowed.

4. Facts of this case briefly are that the applicants alongwith 6 other daily wagers were engaged on casual basis by the respondents. They were sponsored through the Employment Exchange.

5. Learned counsel for the applicants Shri U. Srivastava submitted that the applicants were disengaged on 04.02.2000 whereas the other daily wagers who were engaged by the respondents after selection in the same batch are still continuing. He contended that the action of the respondents in disengaging them by a pick and choose policy is arbitrary and is also contrary to law and hence the same should be declared as illegal. He also prayed that a direction may be issued to the respondents to re-engage them in accordance with law.

6. It was submitted by the learned proxy counsel Sh. Harvir Singh appearing on behalf of respondents counsel in reply that the applicants were engaged as casual labourers w.e.f. 01.12.99 alongwith 6 other daily wagers simultaneously. However, as the work load reduced, 5 of them were disengaged w.e.f.

2/

11

04.02.2000 and others were ⁻³⁻ disengaged w.e.f. 25.02.2000 when the work was complete. He contended that there is nothing illegal or arbitrary in the action of the respondents since no work is available at present and all the daily wagers who were engaged simultaneously have been disengaged though on different dates. However, he stated that when the work is available, the applicants will be re-engaged by the respondents in preference to juniors and outsiders.

7. It is seen that a copy of actual selection list of daily wages has not been produced by either party. The letter No.D-13015/1/99-Admn. dated nil (Annexure A-1) filed by the applicant is addressed to the Employment Exchange and bears no date and signature. It is also not known as to whether the names of the persons mentioned therein indicate their actual seniority in order of merit as per the concerned selection list or not. The fact situation as given in the O.A. is very sketchy, incomplete and vague and no relief as prayed for by the applicant regarding declaring the impugned action of the respondents as illegal is capable of being granted in the circumstances.

8. Be that as it may, on consideration of the facts and circumstances of this case including the fact that the applicants are casual labourers and in view of the statement of the learned proxy counsel for the respondents counsel as noted supra and in the

8

(P)

interests of justice, this O.A. is disposed of with the following directions to the respondents:-

- (i) As and when work becomes available again, the respondent should inform the applicants of the same and give them sufficient opportunity to submit their applications for consideration regarding their re-engagement.
- (ii) The respondents should not insist upon the applicants being sponsored by the Employment Exchange.
- (iii) In the event of submission of such an applications by the applicants, they should be considered for re-engagement with other eligible candidates, if any, on their merits and in accordance with the relevant rules and instructions giving due weightage to their past service and in preference to their juniors and outsiders.

Order accordingly. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)