

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 802/2000

New Delhi this the 13th day of September, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Sh. Narender Singh
S/O Shri Ramehar
R/O Village Khera Dabbar,
Najafgarh.

.. Applicant

(By Advocate Shri George Paracken)

Versus

1. Union of India
through Its Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi-110011.

2. The Director,
Directorate of Estates,
Nirman Bhawan,
New Delhi.

3. Ms. Aswani Kumar
Daily Wager
through Director of Estates,
Nirman Bhawan, New Delhi-110011

.. Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant is aggrieved by the action of the respondents in not re-engaging him as casual labourer while, according to him, fresh candidates have been engaged by order dated 20.4.2000.

2. According to the applicant, he had appeared in an interview along with 103 other candidates on 12.4.99. He was placed at Serial No.1 in the merit list of persons who had been selected by the Selection Committee for appointment

as Waterman for a period of three months from 15.4.1999 to 14.7.99. His grievance is that for the subsequent summer season of the year 2000, he had not been selected, although called for interview. Shri George Paracken, learned counsel has submitted that even at the time of engagement for the summer season of the year 1999, the applicant's name had been sponsored by the Employment Exchange when he was ²³well within the age limit and his name had also been mentioned in the merit list by the Selection Committee. His contention, therefore, is that there was no reason why the applicant could not have been selected for the same work for the summer season of 2000 as he had fulfilled all the eligibility conditions at the time when he was initially appointed in April, 1999.

3. Shri V.S.R. Krishna, learned counsel has handed over a copy of the reply on behalf of the respondents. He has also given copy of the same to the learned counsel for the applicant, which is taken on record. According to the respondents, they have followed the procedure which they were ^{following}~~doing~~ for the last several years that each year they would interview the candidates sponsored by the Employment Exchange by the Selection Committee. They have, therefore, submitted that there was nothing wrong in the methodology adopted by them and, in any, case, the applicant himself cannot claim arbitrariness because he was engaged as Waterman in the year 1999 on the basis of assessment of his suitability at that time by the Selection Committee. Learned

counsel has also submitted that as the applicant has admittedly appeared before the Selection Committee for selection as Waterman for the summer season of 2000 but was not selected, ~~hence~~ the present application is not maintainable on the ground of estoppel and on merits. (10)

4. From the facts mentioned above, it is noted that even at the time when the applicant was called for interview by the respondents for selection as Waterman for the summer season of 1999, his name had been sponsored by the Employment Exchange. There are no averments of the respondents that the work and conduct of the applicant was not satisfactory ~~is~~ during the period of service in 1999. It is also relevant to note that the post against which the applicant has been interviewed and selected earlier is that of Waterman which does not call for any specialised qualification or training.

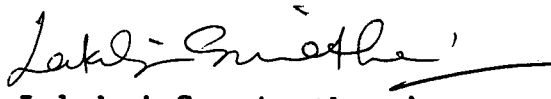
5. Therefore, in view of what has been stated above, it is also relevant to note that some consideration ought to have been given to the applicant for his past service which had not been done in the present case. No doubt, he had appeared in the 2nd selection held by the respondents in the year 2000, which itself in the present facts and circumstances of the case should not ^{have ~~be~~} ^{for ~~is~~} ~~be~~ held ~~against~~ the applicant.

6. Shri V.S.R. Krishna, learned counsel has correctly pointed out that applicant's prayer is only for engagement in the ~~is~~

summer season of 2000, and there is no requirement of engagement of Waterman by the respondents presently. These being the correct facts, no directions can be given to the respondents to engage the applicant immediately as Waterman. (11)

7. In the result for the reasons given above, respondents are directed to consider the applicant for engagement as a daily wager Waterman or casual labourer in any suitable vacancy that may arise in future, giving him preference over juniors and freshers.

No order as to costs.


(Smt. Lakshmi Swaminathan)
Member (J)

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