

-2-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2115
T.A. No.
MP-2330/89

1989.

DATE OF DECISION 17.11.1989.

Raj Kumar Katiyal & Ors. Applicant (s)

Shri T.S.Ahuja, Advocate for the Applicant (s)

Versus

Union of India Respondent (s)

Shri P.H.Ramchandani, Senior Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P. Srinivasan, Administrative Member.

The Hon'ble Mr. T.S. Oberoi, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ? } No
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT (ORAL)

(Delivered by Hon'ble Shri P.Srinivasan)

This application has been listed before us for admission today. The 10 applicants in this application were engaged as Casual Workers in the Department of Electronics, 7 of them with effect from 18.1.1989, one from 6.2.1989, 1 from 8.2.1989 and the last one from 3.4.1989. The respondents now propose to discontinue their services and hence this application.

2. Shri T.S.Ahuja, learned counsel for the applicant submits that the applicants having once been appointed, their services cannot be terminated. He states that in their places some other persons are being engaged as Casual Workers which is illegal.

3. Shri P.H.Ramchandani, learned counsel for the respondents states that the respondents undertook a review of their need for Casual Workers and found that out of a total of 33 persons so engaged 14 were no longer required. The senior most 19 persons among them were duly absorbed in regular vacancies and the remaining 14 have either already been disengaged or will be disengaged very

P. Srinivasan

soon. His submission is that since the respondents do not any longer require the services of these persons including the 10 applicants before us they are not in a position to continue their services as casual workers. Shri Ramchandani also hands over a memo in writing that the respondents do not propose to engage any casual workers in place of the 14 who are being disengaged including the 10 applicants before us.

3. We have no reason to disbelieve the categorical statement made by the learned counsel for the respondents. If the respondents do not any longer require the services of casual workers and on that ground the junior most among them are discharged from service, the latter ^{they can} have no grievance and we cannot interfere with the action of the administration. Shri Ahuja's apprehension that in place of those who are being disengaged, others are likely to be appointed has been dispelled by Shri Ramchandani. We, however, make it clear that if the respondents again wish to recruit persons as casual workers, they must give first preference to those who are being discharged now in the order of their seniority before engaging any other persons.

4. In view of the above, the application is dismissed at the admission stage itself leaving the parties to bear their own costs.

5. MP-2330/89 also stands disposed of.

17.11.89
(T.S. Oberoi)
Member (J)

17/11/89
(P.Srinivasan)
Member (A)