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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.370/89
M.P.382/89

New Delhi this the 14th February, 1994

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member A)

Shri Ved Parkash S/o Shri Babu Ram
R/o House No.534, Thakur Gali, Chirag Delhi,
Working as Peon Casual Labour,
O/o Institute of Criminology & Forensic Science,
Ministry of Home Affairs,
4-E, Jhande Walan, Rani Jhansi Road,
NEW DELHI. Applicant

Advocate : Shri V.P. Sharma

VERSUS

1. Union of India through
The Secretary,
Ministry of Home Affairs,
Govt of India,
New Delhi.
2. The Director,
Institute of Criminology & Forensic Science,
Ministry of Home Affairs,
4-E, Jhandewalan Extn.,
Rani Jhansi Road,
NEW DELHI ... Respondents

Advocate : None

ORDER (ORAL)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

The grievance of the applicant is that he was engaged as a Casual Labour on 5.01.1984 and has worked till 5.01.1985 for which he has also filed a certificate **Annexure A.I** dated 18.01.1985. The grievance is that the respondents have engaged fresh candidates and juniors have been called for engagements.

2. The present application has been filed on 03.01.1989. The applicant has claimed for the grant of the relief that the applicant is entitled for

reengagement as regular employee from the date of appointment of junior persons along with back wages. The applicant has also filed M.P. No.382/89 for condonation of delay. It is stated in this M.P. that the applicant has for the first time come to know in 1988 of engagement of certain persons.


3. None is present on behalf of the respondents. We have gone through the reply where the respondents have taken the plea that the application is barred by Section 20 and 21 of the Administrative Tribunal Act, 1985. They have also taken the stand that the name of the applicant was not sponsored by the Employment Exchange. The respondents also referred to a number of decisions in Para.5 of the Counter Affidavit.


4. We have heard the learned counsel for the applicant who has referred to the decision of the Hon'ble Supreme Court in the case of State of Haryana Vs Pyara Singh reported in 1992 Vol.V Judgement Todday Page-179. Firstly, we find that the applicant was disengaged in January, 1985 and he did not file any representation highlighting his grievance to the respondents that persons fresh from the market have been reengaged ignoring the claim of the applicant. The Application is, therefore, hit by Section 28 of the A.T. Act, 1985. The learned counsel for the applicant could not show from the record any representation from the applicant.

5. Learned Counsel placed reliance on the case of Pyara Singh (**Supra**), and in Pyara Singh case itself

in the concluding para the Supreme Court observed that those who are sponsored by Employment Exchange should be preferred though second time of re-engagement he need not be sponsored. The respondents have taken the stand that the applicant was not sponsored by employment exchange.

In any case we do not find any merit in the case and the Application is, therefore, dismissed leaving the parties to bear their own cost.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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