

The applicant's prayer is that he be reinstated in service because his juniors have been retained.

3. Shri PH Ramchandani, Sr. Standing Counsel for the respondents submits that in the Meerut Sub-Area, most of the employees are regularly appointed but occasionally, when there is some extra work, persons are engaged for short periods as casual labours and when the work no longer exists, their services are dispensed with. As and when work arises, they are again taken in pursuance of sanction for specified periods. That was how the applicant was engaged between 1984-88. In December, 1988, fresh appointments had to be made again on casual basis. A number of persons including the applicant applied for the post. They were all interviewed by a board of officers in addition to being subjected to written test, and in the interview, the applicant was not found fit. In these circumstances, it was not possible to accommodate the applicant at present in the post of Switch Board Operator. Since he was not found fit, the principle of "last come first go" has no application.

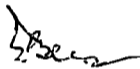
4. Having heard both sides, we are of the view that the application itself can be disposed of at this stage.

5. It has been represented on behalf of the respondents that the applicant's case for fresh appointment alongwith those of others, albeit on casual basis, was considered but he was not found fit in the written test and the interview. In view of this, we do not consider it proper to pass any order requiring the respondents to take the applicant back in service. The application, therefore, deserves to be dismissed.

P. S. [Signature]

6. Before parting with this application, we must notice that the applicant has indeed worked with the respondents in several spells from 1986 to 1988 for a period of 478 days. He, therefore, deserves sympathy at their hands. We hope that the respondents will sympathetically consider if the applicant could be offered employment on casual basis, subject to his being found suitable for ^{such} ~~the~~ said employment.

7. The application is dismissed with the above observations, leaving the parties to bear their own costs.



(T.S. Oberoi)
Member (J)



(P. Srinivasan)
Member (A)