

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

MP 3109/90 IN
O.A. No. 1889/90
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199

DATE OF DECISION 11-4-91.

<u>Shri Rishi Pal</u>	Petitioner Applicant
<u>Shri K.N.R. Pillay</u>	Advocate for the Petitioner(s) Applicant
Versus	
<u>Director of Audit Central Revenue, New Delhi</u>	Respondent
<u>Shri M.L. Verma</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K.Kartha, Vice Chairman(J)

The Hon'ble Mr. D.K.Chakravorty, Member (A)

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

JUDGEMENT (ORAL)

(Of the Bench delivered by Hon'ble
Mr. D.K.Chakravorty, Member (A))

We have heard the learned counsel of both parties.

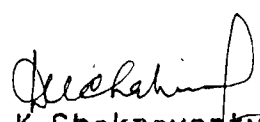
2. The grievance of the applicant is that his services as a casual labourer were dispensed with with effect from 10-7-90. He has worked as a casual labourer from 17-1-90 onwards with breaks. According to the version of the applicant, he worked upto 10-7-90 with some artificial breaks. The respondents have stated in their counter affidavit that he worked from 17-1-90 to 12-3-90 and that he was again engaged on 1-4-90. The engagement continued upto 10-7-90 when the assignment for which he was engaged ceased to exist.

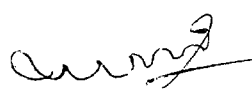
2. The applicant has given the names of some other casual labourers who were engaged on subsequent dates and

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were in service at the time of his discharge on 10-7-90. He has also given the names of some others who were freshly recruited as casual labourers to do the work which was being done by him. The respondents have stated in their counter-affidavit that the applicant was engaged for a particular casual work and that the other casual workers were engaged for other casual work.

3. The learned counsel of the applicant stated that the applicant is an unskilled casual labourer and that he is confining his relief with the prayer that respondents shall consider the applicant as a casual labourer if vacancies are available in preference to his juniors and outsiders to do the same type of job which the applicant has performed in the office of the respondents. After going through the records of the case and hearing ~~the learned~~ ² the learned counsel of both parties, we dispose of the present application with the directions to the respondents to consider engaging the applicant as casual labourer, if vacancies are available in preference to his juniors and outsiders. We make it clear that the entitlement of the applicant for engagement will be subject to his suitability for the particular job for which casual labourer is engaged by the respondents. The application is disposed of accordingly. The interim order already passed is, accordingly, made absolute.

There will be no order as to costs.


(D.K. Chakravorty)
Member (A)


(P.K. Kartha)
Vice Chairman