

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 2450/90

Date of decision: 24.12.1991.

Shri Surender Kumar

...Applicant

Vs.

Union of India through the
Secretary, Min. of Defence
& Others

...Respondents

For the Applicant

...Shri V.P. Sharma,
Counsel

For the Respondents

...Mrs. Raj Kumari
Chopra, Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *Yes*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kertha,
Vice Chairman(J))

We have gone through the records of the case and have heard the learned counsel of both parties on the grievance of the applicant regarding his non-appointment as Wireman, though he was selected for the post by the Selection Board while his juniors have already been given appointment.

2. The admitted factual position is that the applicant has worked as casual mazdoor from 1.9.1984 to 16.6.1985 for about 240 days, with technical breaks in service. He has worked on Muster Roll as Wireman in the department for 150

days from 10.11.1985 to 10.10.1986.

3. The grievance of the applicant is that persons with lesser length of service have been given appointment as Wiremen while he has not been so appointed. This has not been controverted by the respondents. The applicant is entitled to the protection of Articles 14 and 16 of the Constitution which postulate fairness, justness and reasonableness in administrative action. It is well settled that even a casual labourer or Mazdoor with longer period of service is entitled to preferential treatment than his juniors. On this ground, the applicant is entitled to succeed in the present application.

4. Accordingly, we partly allow the application and direct the respondents to appoint the applicant as Wireman within a period of one month from the date of receipt of this order. He would also be entitled to notional seniority from the date his junior was appointed as Wireman. In the facts and circumstances, we do not direct payment of back wages to him.

There will be no order as to costs.

B.N. Dholiyal.
(B.N. DHOUDIYAL)
MEMBER (A)

24/12/81
(P.K. KARTHI)
VICE CHAIRMAN (J)