

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 534/1990

New Delhi, this 7th day of July, 1994

Shri C.J. Roy, Member (J)

Shri P.T.Thiruvengadam, Member(A)

Shri Vijay Ratnam
s/o Shri V. Raja Rao
r/o C-77/B-05, Tailor Square
Mandir Marg, New Delhi

.. Applicant

By Advocate Shri B.S. Randhawa

Versus

1. Secretary
Ministry of I&B, New Delhi

2. Director General
Deendarshan
Mandi House, New Delhi

.. Respondents

By Advocate Shri M.L. Verma

ORDER (oral)

(By Shri C.J. Roy, Hon'ble Member(J))

None appeared for the parties.

The applicant was engaged as daily wager with Respondent No.2 and worked as such from 19.9.89 to 30.11.89 and he was paid wages @ Rs.28.85 per day for that period. He was again engaged as daily wager from 6.3.90 to 10.3.90. He claims that he was sponsored by the Employment Exchange. He further claims that he was orally informed on 9.3.90 that his services will be dispensed with on 10.3.90, but he could not present his application on 9.3.90 as he was sick. His contention is that the respondents have placed requisition on the Employment Exchange for fresh nominees to be appointed on regular basis. Hence this OA praying for directing the respondents to appoint him on regular basis.

2. The respondents have filed their reply stating that the applicant was never engaged against a regular vacancy and he had not made any representation and also that the application is barred by limitation. They also state that

the payment of Rs.28.85 per day as applicable to the offices working 6 days-a-week and as notified by the Delhi Administration under the minimum wages Act was made to him. Therefore they assert that it is not correct to say that no weekly rest was allowed to him. They further attack this case on the ground that there was a break in service between these two spells as stated earlier, i.e. from 19.9.89 to 30.11.89 and 6.3.90 to 10.3.90.

3. The respondents further assert that the applicant's services were required for a period of 90 days and on completion of 90 days, his services were dispensed with and there is no inter-se seniority of casual labourers as they are engaged for a limited period for a work of casual nature.

4. The other points raised are not germane to the main issue.

5. The applicant has filed a rejoinder more or less asserting the same points.

6. The applicant avers that his services were dispensed with and in his place fresh recruits were also taken having been sponsored by the Employment Exchange for regular employment for which the applicant could not apply as he was sick during that period. But it is not the case of the applicant that he has ~~any~~ any temporary status. He was engaged for 90 days in the first spell and for 5 days in the second spell. However, the respondents have not denied that they have engaged any fresh recruits for the same nature of work. In the circumstances and in the interest of justice, we feel that the following direction be

given to the respondents.

6. The respondents are directed to consider engagement of the applicant alongwith others as and when they ~~are~~ engage daily wagers for work of casual nature. With this direction, the OA is disposed. No costs.

P. T. Thiruvenkadam

(P.T.Thiruvenkadam)
Member (A)

(C.J. Roy)
Member (J)

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