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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO. 1329/91

DATE OF DECISION: 24.12.91.

SMT. SOBHA DEVI

...APPLICANT

VERSUS

UNION OF INDIA

...RESPONDENTS

CORAM:

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)

FOR THE APPLICANT SHRI D.R. GUPTA, COUNSEL

FOR THE RESPONDENTS SHRI DINESH KUMAR, COUNSEL

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE

MR. I.K. RASGOTRA, MEMBER (A)

The undisputed facts of the case are that the applicant was engaged in Sports Complex on 9.2.1990 as a casual labour. She continued to work for more than 240 days upto 29.5.1991 with three breaks and her services were finally terminated on 29.5.91. There are, however, 11 admitted vacancies in the Sports Complex under the Education Department.

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2. The learned counsel for the applicant submitted that the services of the applicant were terminated while her juniors were retained in service. He also cited in support of his case the decision of the Tribunal dated 20.7.1990 in OA 1289/89.

3. The learned counsel for the respondents on the other hand submitted that the persons junior to the applicant were kept in service in terms of the various orders of the Tribunal. He also emphasized that the period of service of the applicant amounting to 240 days was not continuous.

4. We have heard the learned counsel for both the parties and perused the records. On 5.6.1991 when the case came up for admission, we had directed the respondents to consider the applicant as casual engaging labourer in preference to juniors and outsiders. This interim order has been continued from time to time. However, the applicant has not been reengaged even though her juniors are continuing in service.

Having regard to the facts and circumstances of the case, particularly, there being 11 vacancies in the Sports Complex under the Education Department, the continuation of the interim order passed by us on 5.6.1991 and the continuance of the applicant's juniors in employment and her having put in 240 days' service in 4 spells, we order and direct that the

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applicant shall be re-engaged against one of the existing vacancies in Group 'D' within a period of 8 weeks from the date of communication of this order.

There will be no order as to costs.

J. P. Sharma
(J. P. Sharma)

in conc.

Member (J)

24.12.91.

/SKK/

I. K. Rasgotra
(I. K. Rasgotra)

Member (A)

24.12.91.