

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA-1534/91

Date of decision: 18.11.1992

Shri Harishankar Rawat Applicant

Versus

Union of India & Another Respondents

For the Applicant Shri K.L. Bhatia, Advocate

For the Respondents Shri Narendra Choudhary,
Advocate

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? *No*

JUDGMENT

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

The applicant, who has worked as Gallary Attendant
on daily-wage basis in the office of the respondents, is
aggrieved by the termination of his services by the
impugned order dated 15.7.1986. He has prayed for his
reinstatement with continuity of service and full back
wages.

2. We have gone through the records of the case and
have heard the learned counsel for both the parties. The
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version of the applicant is that he had worked as Gally Attendant on daily-wage basis for 270 days from 5.4.84 to 30.6.1984 and from 14.10.1985 to 15.7.1986. The respondents have stated in their counter-affidavit that he was engaged on casual basis for a time-bound period in connection with an educational programme and he was disengaged after the completion of the work. The applicant has stated that persons junior to him have been retained in service while terminating his services. The names of such persons have been mentioned in Ground (b) to the application. The respondents have stated that they have only retained persons with good service record and longer service period and nobody is junior to him. The termination of his services was due to non-availability of work.

3. On 11.10.1991, the Tribunal passed an interim order directing the respondents to consider engaging the applicant as a casual labourer if vacancy exists in preference to his juniors and outsiders. The respondents have stated that in case they make any regular appointment, the applicant's suitability will also be considered along with the other candidates sponsored by the Employment Exchange.

4. The respondents called the applicant for the interview for the post of Attendant/Chowkidar on 10.2.1992 and his name has been placed in the panel at serial No.19 (vide page 49 of the paperbook). They have stated in their

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reply to MP-1707/92 that he would be offered appointment as and when vacancy arises for the post of Gallary Attendant.

5. In the light of the foregoing discussion, the application is disposed of with the direction to the respondents to appoint the applicant as Gallary Attendant in accordance with his position in the Select List prepared by them whenever vacancies arise in the future. In the meanwhile, the respondents should also consider engaging the applicant as casual labourer if they need the services of a casual labourer and in preference to persons with lesser length of service and outsiders.

B.N. Dhundiyal
(B.N. Dhundiyal) 15/11/92
Administrative Member

arw/t
18/11/92
(P.K. Kartha)
Vice-Chairman(Judl.)