

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No. 1752/91

Date of decision : 12.07.1993.

Sh. Naresh Kumar

....

Applicant

versus

Union of India & Ors.

....

Respondents

Coram:-

The Hon`ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon`ble Mr. B.N. Dhoundiyal, Member(A)

For the applicant : None

For the respondents : None

JUDGEMENT(ORAL)

(delivered by Hon`ble Mr. Justice S.K. Dhaon, V.C.)

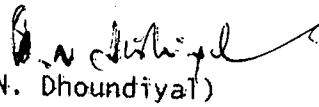
The material averments made in the application are these. The applicant was employed as Waterman on daily wages in Central Health Education Bureau from 9.4.1990 to 30.9.1990. The services of the applicant were terminated w.e.f. 30.9.1990. No written order terminating the services was passed. In April, 1991, fresh Watermen were engaged. The act of the respondents in giving work to the freshers in preference to the persons who have worked in the previous years is discriminatory.

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Reply has been filed on behalf of the respondents. The material averments are these. The applicant was given regular employment from April, 1990 to September, 1990 as Waterman. This is a regular feature which takes place every year. A selection committee was constituted which considered the case of 9 persons including the applicant who had been sponsored by the Employment Exchange. The committee recommended 5 names but not of the applicant. In these circumstances, the applicant was not given a fresh appointment in the year 1991.

We see no reason to disbelieve the averments made in the counter-affidavit. In view of the averments made, we find that the applicant cannot be granted any relief so far as appointment made in 1991 is concerned. However, we make it clear that in future, if vacancies occur, the respondents shall consider the applicant ^{for an appointment} on ad hoc basis and ~~in that event~~ ^{for the purpose} the applicant be given preference to his juniors.

With these observations, the application is finally disposed of. There will be no order as to costs.


(B.N. Dhondiyal)

Member(A)


(S.K. Dhaon)

Vice Chairman

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