

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.



Regn.No. OA 2217/1991 Date of decision: 27.11.1992.

Shri Kartar Singh ...Applicant

Vs.

Union of India & Others ...Respondents

For the Applicant ...Shri A.K.  
Bhardwaj, Counsel

For the Respondents ...None

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. To be referred to the Reporters or not? *no*

**JUDGMENT**

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

We have gone through the records of the case and have heard the learned counsel for the applicant. Despite adequate time given to the respondents, they have not counter-affidavit. *or* filed the/By order dated 17.08.1992, the Tribunal, therefore, forfeited the right of the respondents to file counter-affidavit. The respondents were also informed that

*or*

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the case would be decided on the basis of the available records and the matter was listed for further directions on 19.11.1992. When the case was taken up on 19.11.1992, none appeared on behalf of the respondents. The application has not been admitted and we feel that it could be disposed of at the admission stage itself on the basis of the available records.

2. The applicant has stated that he has worked as a casual labourer in the office of the respondents from 1.4.1985 to 31.3.1987. However, in between he had not been engaged from 31.8.1985 to 1.4.1986. He was disengaged from service with effect from 31.3.1987. He has stated that after disengaging him, the respondents have appointed fresh persons as casual labourers in 1988. He has mentioned the names of such persons in para 4.4. of the application. He has contended that he has preferential claim for reengagement as casual labourer over his juniors and outsiders.

3. On 27.09.1991, the Tribunal passed an ex-parte interim order directing the respondents to consider engaging the applicant as casual labourer if vacancy exists and in preference to persons with lesser length of service and outsiders.

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4. The learned counsel for the applicant relied upon the judgment of the Supreme Court in Surinder Singh & Others Vs. Engineer-in-Chief, CPWD, 1986 SCC(L&S) 189. The applicant also had been engaged in the office of the CPWD. The Supreme Court has held in that case that casual labourers who have been in continuous employment for more than six months deserve to be regularised.

5. After considering the matter carefully, we dispose of the present application with the direction to the respondents to consider reengagement of the applicant as casual labourer in case they need the services of casual labourer and in preference to persons with lesser length of service and outsiders. The respondents should verify the averment made by the applicant in para 4.4. of the application and in case any of the persons named therein have been engaged as casual labourers in 1988, as alleged by the applicant, the applicant should also be engaged having regard to <sup>or</sup> ~~the~~ length of service put in by him. The respondents shall do so expeditiously.

There will be no order as to costs.

(B.N. DHOUNDIYAL)  
MEMBER (A)  
27.11.1992

(P.K. KARTHA)  
VICE CHAIRMAN (J)  
27.11.1992

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