

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

13

OA 2851/91

Date of decision 30-12-1996

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Sh. V.N. Mishra,
s/o Sh. Bidhyachal Mishra
casual labour
Union Public Service Commission,
Dholpur House, Shahjehan Road,
New Delhi-1
2. Shri Hari Dut Ghyani
Casual Labourer
UPSC, Dholpur House, Shahjehan Road,
New Delhi.
3. Shri Davender Singh
Casual Labourer
UPSC, Dholpur House, Shahjehan Road,
New Delhi.
4. Shri Rajender Singh Bisht
Casual Labourer
UPSC, Dholpur House, Shahjehan Road,
New Delhi.
5. Shri Rich Pal
Casual Labourer
UPSC, Dholpur House, Shahjehan Road,
New Delhi.
6. Shri Hira Ballabh
Casual Labourer
UPSC, Dholpur House,
New Delhi.
7. Shri Ravish Kumar
Casual Labourer
UPSC, Dholpur House, Shahjehan Road,
New Delhi.

By Advocate Sh. E.X. Joseph, Learned senior
counsel with Sh. J.C. Madan)

... Applicants

Vs.

1. Union of India through the Secy. to the
Govt. of India, Ministry of Personnel,
Public Grievances and Pensions, North Block
Central Secretariat, New Delhi-1
2. The Union Public Service Commission,
through its Chairman, Dholpur House,
Shahjehan Road, New Delhi-11

(None for the respondents)

... Respondents

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This application has been filed by seven applicants

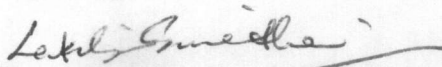
RS

under Section 19 of the Administrative Tribunals Act., 1985 being aggrieved by the oral order conveyed by the respondent 2 terminating their services w.e.f. 29.11.96. They have submitted that no written order has been given to the applicants for discontinuing their service. According to the applicants they have been working to the complete satisfaction and there is no complaint about their work and they have a fine record of devoted disciplined work. It is an admitted fact that they had worked as casual labourers for about 5 months, details of which are given in para 3 of the reply filed by the respondents..

2. Respondents have in their reply submitted that in the above facts, the applicants have no legal right to continue in service as they are not covered under the Department of Personnel O.M. dated 10th Sept., 1989. However, they further submit that whenever service of casual labourers are needed they have no hesitation in considering their reengagement also as per their seniority of daily wagers. They have further submitted that since there is no work available with them, the question of re-engaging the applicants does not arise.

3. Having considered the facts and circumstances of the case, and submissions made by the learned counsel for the applicants, it is clear that no right for reengagement accrues to the applicants under the relevant rules/instructions, particularly considering the fact that the respondents have submitted that there is no work available with them at the moment for casual labourers. However, the submissions made by the respondents referred to above are noted, and it is presumed that the respondents will abide by their submissions, namely, to consider the claim of the applicants for reengagement as casual labourers as and when need arises.

4. In this view of the matter, I find no merit in this application, this application is dismissed subject to the above observations. No order as to costs.


(Smt. Lakshmi Swaminathan)

Member (J)