

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

(4)

OA 135/2004
MA 1338/2004

New Delhi, this the 12th day of July, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Anil Kumar
S/o Sh. Dev Nath
R/o P-172, Purani Pullanji
Sarojini Nagar, New Delhi.

...Applicant

(By Advocate Sh. M.L.Chawla)

V E R S U S

Union of India through

1. Secretary
Ministry of Rural Development
Deptt. of Rural Development
Krishi Bhawan, New Delhi.

2. Director (Admn)
Ministry of Rural Development
Deptt. of Rural Development
Krishi Bhawan, New Delhi.

...Respondents

(By Advocate Mrs. Avinash Kaur)

O R D E R (ORAL)

Shri Sarweshwar Jha,

This application has been filed with prayer that the respondents be directed to re-engage him as and when the work is available with them and pay him outstanding wages for the months of August to October, 2003. It has been alleged by the applicant that freshers have been engaged by the respondents ignoring his claim. The respondents in their reply have submitted that they have not engaged any casual labourer even for a day. What they have done is that they have got some petty urgent casual work carried out by hiring the services of persons locally available on hourly basis, as affirmed by them in their counter reply. Ld. counsel for the applicant has explained that the applicant is prepared even for this kind of work and has been visiting the office of the respondents regularly for being assigned work even on hourly basis.

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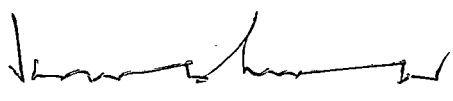

(a)

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2. On examination of the submissions made by the parties in this regard, it is observed that it is quite difficult to draw a line between a casual labourer which the applicant is, and the one engaged/hired for attending to petty urgent casual work as submitted by the respondents. It is not quite clear from the submissions of the ld. counsel for the respondents whether they had endeavoured to find out whether the applicant was available for the said petty urgent work and if so whether he was offered the said work.

3. As the limited prayer of the applicant is that he should be re-engaged by the respondents against the work available with them, I find that it should be possible for the respondents to accede to this limited request, having regard to the fact that the applicant has prayed for re-engagement against the work available with the respondents and also that the respondents have been hiring the services of casual workers for attending to petty urgent casual works. Accordingly, this OA is disposed of with directions to the respondents to re-engage the applicant against the work as and when the same is available with them. They are also directed to look into the other request of the applicant as made in para 8 of the OA under the relevant rules/instructions on the subject and to do the needful under the said rules. No costs.

4. Issue DASTI.

 
(Sarweshwar Jha)
Member (A)

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