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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2491 /2004

New Delhi this the 12th day of October, 2004

Hon'ble Mr. S.K. Malhotra, Member (A)

Shri Dinesh Singh,
S/o Shri Babu Singh,
R/o House No.30/24, Hari Om Gali No.2,
Badarpur,
Shahdara,
Delhi-110 032

.....Applicant

(By Advocate Shri P.S. Vimal)

Versus

1. Union of India
Through
Ministry of Urban Affairs,
Employment,
New Delhi.
2. Director General,
Central Public Works Deptt.
Nirman Bhawan,
New Delhi.
3. Executive Engineer,
I.T.P.O., Works Executive Division,
CPWD, B-4/9,
New Delhi-110002.

....Respondents.

O R D E R(ORAL)

The present OA has been filed by the applicant with the prayer that the respondents may be directed to re-engage the applicant as a Seasonal Waterman and his case should also be considered for regularization under the relevant Scheme

2. The applicant has been engaged as Casual Labourer from time to time since 1994 with intermittent breaks. According to him, he worked for 135 days in the year 1997, 180 days in the year 1998, 135 days in the year 2002 and 180 days in the year 2003. During the




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years 2004, he was again engaged as a Seasonal Waterman on 22.5.2004 but his engagement was terminated on 18.9.2004 through an oral order. He has also stated that apart from working as Seasonal Waterman, he was doing the work of cleaning floors, rooms etc. but this work has now been given to a Contractor who has engaged casual labourers for the purpose. It has been stated that entrusting of this work to a contractor is illegal and is in violation of the provisions of the Contract Labour Act. Since he has worked since 1994, he should be considered for regularization and the respondents should also be directed to re-engage him as Group 'D' employee as the work still exists.

3. I have heard Shri P.S.Vimal, learned counsel for the applicant and have also gone through the pleadings.

4. The learned counsel for the applicant insisted that in the present case, the notices should be issued to the respondents. I, however, feel that it is not necessary to issue notices in this case. The applicant should have approached the department through representation for redressal of his grievances in terms of Section 20 of the Administrative Tribunals Act, 1985.

5. In view of the above, the OA is disposed of with the directions that the respondents shall treat this OA as a representation from the applicant and after considering the points raised therein, pass a speaking order within a period of two months from the date a copy of this order is received by them. In case, the applicant is still aggrieved, he will be at liberty to file a fresh OA for the redressal of his grievances.


(S.K. Malhotra)
Member (A)

New Delhi
12-10-2004
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