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Central Administrative Tribunal
Principal Bench

OA No.2732/2004

New Delhi this the 11th day of November, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Anand Singh, S/o Shri Bhopal Singh,
R/o F-228, Harsh Vihar,
Hari Nagar Part-III, Jaitpur,
Badarpur, New Delhi-44.

-Applicant

(By Advocate: Shri U. Srivastava)

Versus

Union of India through,

1. The Secretary,
Ministry of Commerce & Industry,
Udhyog Bhawan, New Delhi.
2. The Director (Admn)
Govt. of India, Tariff Commission,
Ministry of Commerce & Industry,
7th Floor, Khan Market, Lok Nayak Bhawan,
New Delhi.
3. The Under Secretary (Admn.)
Govt. of India, Tariff Commission,
Ministry of Commerce & Industry,
7th Floor, Khan Market, Lok Nayak Bhawan,
New Delhi.
4. The Section Officer (Genl. Admn).
Govt. of India, Tariff Commission,
Ministry of Commerce & Industry,
7th Floor, Khan Market, Lok Nayak Bhawan,
New Delhi.

-Respondents

ORDER (Oral)

Learned counsel heard.

2. Applicant is stated to have been engaged by the respondents as a Casual Labourer for filling the water in the desert coolers and also odd jobs with the respondents for 89 days on 2.4.2004. The period of his engagement was extended from time to time. He was directed to be continued till 17.11.2004 with break from 6.9.2004 to 17.10.2004. It is alleged that respondents have ^{been} contemplating engagement of another persons namely, Harkesh in place of the applicant. Learned counsel pointed out that work is still available with the respondents and a junior like Harkesh cannot substitute the applicant.

Learned counsel stated that respondents may be directed to consider applicant's case for

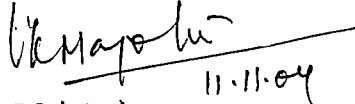
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engagement as Casual Labourer against juniors and outsiders subject to availability of work and that he may be continued in service and not replaced by another Casual Labourer.

3. Considering the facts of the case and also the request of the learned counsel of applicant, in my view this OA can be disposed of at this stage itself, however, without issuing a notices to the respondents to consider this OA by way of a representation for engagement of the applicant as Casual Labourer, if work is available with the respondents in preference to the freshers. Ordered accordingly.

Issue Dasti.


11.11.04
(V.K. Majotra)
Vice Chairman (A)

cc.