

OR

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 3060/2004
MA 2573/2004

New Delhi this the 11th day of August, 2005

Hon'ble Mrs. Meera Chhibber, Member (J)

1. Shri Mool Chand, S/O Shri Gokul Chand,
Ex-Casual Labourer,
Air Force Station, Dadri,
Ghaziabad.
2. Omi Chand
S/O Shri Gokul Chand,
Ex- Casual Labour,
Air Force Station, Dadri, Ghaziabad

..Applicants

(By Advocate Shri K.N.R.Pillay)

VERSUS

1. Union of India,
Through Air Headquarters,
(Air Officer Administration),
New Delhi.
2. The Commanding Officer,
Air Force Station, Dadri,
Ghaziabad.

..Respondents

(By Advocate Shri N.S. Dalal)

O R D E R (ORAL)

By this OA, applicants have sought the following reliefs:

“(i) direct the respondents to workout the arrears due to the applicants taking into account the increments due to them for the period 1.9.1993



to March, 2002 as per the Scheme for grant of Temporary status at Annexure A.1 and the Transport Allowance due to them from 1.4.1998 as per the DOP&T Office Memorandum No.49014/3/97-Estt (C) dated 1.4.1998 at Annexure A.II and arrange for early payment;

ii) direct the respondents to re-engage the applicants as casual labourers in preference to freshers like Chaturvedi and Sunny whom they have since engaged;

iii) direct the respondents to workout the applicants' rights for regularization in the bigger unit which has regular posts, under which unit the Air Force Station at Dadri comes, subject to availability of regular vacancies and their eligibility in the matter as per rules and instructions as directed by the Hon'ble Tribunal in the judgement/order at Annexure A.III;

iv) any other relief which the Hon'ble Tribunal deems fit and proper in the circumstances of the case".

2. Today when the matter was called out, counsel for respondents submitted that arrears have since been paid to the applicants. The payment receipts have also been annexed as Annexure F with the counter affidavit, which shows that Shri Moolchand and Omichand have received cheques dated 28.3.2005 for Rs. 24447/- and Rs. 18616/-, respectively. Therefore, the first relief has already been given to the applicants.

3. As far as the applicants' 2nd relief is concerned, they should be re-engaged in preference to freshers like Chaturvedi and Sunny. Respondents have stated categorically in response to Para 4.7 that they have not employed any such outsider and fresher. In any case, counsel for respondents drew my attention to order dated 3.5.2002 passed in OA 392/2002 wherein also



applicants have sought directions for continuing the applicants in service in preference to juniors and freshers, including contract employees but after hearing both the parties, it was held if respondents have decided as a policy matter to award external conservancy work which has been done by those, who were engaged as casual labour earlier, be handed over to private contractors and the same has been done, the Tribunal cannot issue directions that the same be reversed and the applicants be continued in the said job. However, it was directed that in case applicants are able to prove that the job which was performed by them was not a conservancy job, but one in office, performed by a group 'D' staff, their case for re-engagement may be considered in preference to outsiders and freshers. In view of these directions given by the Tribunal already, counsel for respondents, fairly stated that as and when there is need to engage casual labours in the office, they shall consider the applicants as well. In view of the submissions made by the counsel for respondents, nothing further survives in this OA. Accordingly, OA is dismissed as having become infructuous.


11/8/05
(Mrs. Meera Chhibber)
Member (J)

sk