

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1816/2004

New Delhi this the 29th day of September, 2004

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

1. Jitender
R/O 36 P, Raja Bazar,
Sector-4, Gole Market,
New Delhi.
2. Sunil
R/o H-85, Nanak Pura
New Delhi.
3. Kulbhushan
R/o 6/4b, Kalibari Marg,
New Delhi.
4. Anil Kumar
R/o 245/37 School Block,
Mandawali, Delhi.
5. Vijay Kumar
R/o 230 Lodhi Road Complex
New Delhi.
6. Kishan Pal
R/o WZ-120, Palam,
Harijan Basti, New Delhi.
7. Vishal Deshpandey
R/o 60, Bara Bazar, Kankar Khara,
Meerut Khara.
8. Rajesh Kumar
R/o D-J 142 Sarwati Camp
Sector-3, R.K. Puram.
9. Inderdev
R/o A-227, Minto Road,
New Delhi.
10. Manju
R/o T-804 Mangol Puri,
New Delhi-83.

-Applicants

(By Advocate: Shri M.K. Bhardwaj)

Versus

Union of India and Ors.. Through

1. The Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Chief Controller
Principal Office Defence Accounts

G, Block, New Delhi.

3. Accounts Officer (Admn.)
Principal Office Defence
Accounts Controller
G Block, New Delhi.

-Respondents

(By Advocate: Ms. Harvinder Oberoi)

ORDER (Oral)

Learned counsel heard.

2. At the outset learned counsel of the applicants stated that applicants do not wish to press relief seeking regularization of their services as Group D employees in terms of DOP&T OM dated 7.6.1988 and 26.10.1984 at the present juncture. However, he stated that while the applicants are apprehending termination of their services, it is claimed that they should be re-engaged as and when the occasion occurs in preference to the juniors and freshers. Learned counsel pointed out that earlier on applicants had approached this Tribunal through OA-3144/2002 which was decided by order dated 18.7.2003 (Annexure-III) read with order dated 10.7.2003 (Annexure-IV), respectively whereby it was directed that respondents shall consider the case of the applicants for re-engagement in preference to the juniors and freshers strictly in accordance with law. Learned counsel himself referred to respondents' reply to Paragraph-5 A-K to the effect that respondents have not taken any action to engage fresh set of casual labours.

3. In this view of the matter, obviously no cause has arisen for any grievance at this stage.

4. Learned counsel of respondents on the other hand stated that applicants were engaged for shifting of old records, burning of old records, cleaning the surroundings of the office premises, removing the fallen plaster from rooms. She stated that the rooms having been got renovated and the problem of plaster falling from the walls no longer exists. She stated that while the respondents have not engaged any juniors and freshers in preference to the applicants for casual labour, previously too, respondents had re-engaged the applicants in preference to juniors and freshers for performance of jobs of casual nature. She has drawn my attention to appointment letter of one of the applicants Shri Jitender dated 10.10.2003 which is to the effect that he had been engaged on 10.10.2003 for a period of 89 days excluding Saturdays and Sundays and other Government holidays. It has been clarified, therein, that on finding applicant's work unsatisfactory, his services

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can be terminated even before expiry of 89 days. She maintained that the services of the applicants can be terminated in terms of their appointment letters. However, respondents would give preference to these persons in preference to juniors and freshers whenever an occasion for casual jobs arises with the respondents.

5. On considering the contentions raised on behalf of both sides, this OA is disposed of with a direction to the respondents that applicants should be continued in service as at present in preference to the juniors and in case their services have to be terminated in accordance with the terms and conditions of their engagement and as per law, they shall be re-considered whenever possible for re-engagement in preference to juniors and freshers. No costs.

V.K. Majotra
(V.K. Majotra) 29.9.04.
Vice Chairman (A)

cc.