

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

O.A.No. 1383/92

Date of decision: 28.07.1993.

Sh. Naresh Kumar

.....

Applicant

versus

Union of India & Ors.

.....

Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

For the applicant : Sh. N. Panda, counsel

For the respondents : None

JUDGEMENT(ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

3 The only prayer pressed at the bar is that the respondents be directed to consider the case of the petitioner for re-engagement, if and when the exigencies of work require.

Counter-affidavit has been filed on behalf of the respondents. In it, the material averments are these. The petitioner had worked for 621 days with breaks as muster roll labour in Garrison Engineer(P) No.1 Hissar during the year from March 1984 to September, 1986 on daily basis. He was employed in muster roll against the job on requirement basis. His services were terminated from the

...2...

post on which he was employed, was ~~completed~~. The petitioner was not sponsored ~~from~~ the Employment Exchange at the time of his initial employment as muster roll labour. As per instructions issued by the higher authority, retrenched ex-muster roll who were appointed through Employment Exchange are to be considered for regular appointment against local recruitment sanction.

In paragraph 4.13 of the application, it is asserted that the petitioner was registered with the Hissar Employment Exchange since October, 1984. Later on, he was registered with Meham Employment Exchange.

It is admitted case of the petitioner that his name was not sponsored by the Employment Exchange. We have before us an office Memo dated 7.5.1985. This memo provides interalia that having regard to the fact ~~to the~~ that casual workers belong to the weaker section of the society and termination of their services will cause undue hardship to them, it has been decided, as a one time measure, in consultation with the Director-General, Employment and Training, that casual workers recruited before the issue of these instructions may be considered for regular appointment to Group 'D' posts, in terms of the general instructions, even if they were recruited otherwise than through the employment exchange, provided they are eligible for regular appointment in all other respects.

Admittedly, the petitioner in the instant case was given employment in the year 1984 i.e. before the

...3...

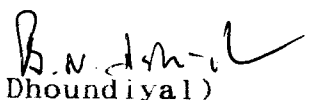
...3..


issue of the aforesaid O.M. dated 7.5.1985. The petitioner, therefore, can be benefited in the context of the said O.M. Admittedly the respondents employed the petitioner with their open eyes that the petitioner was not sponsored from the Employment Exchange. Had the petitioner been told that he should get himself sponsored from the Employment Exchange probably he would have got his name sponsored. •

In these circumstances, the respondents are estopped from taking the plea that the petitioner cannot be considered even for re-engagement, mainly, because his initial recruitment is bad <sup>and</sup> he was not sponsored from the Employment Exchange.

We direct the respondents to consider the case of the petitioner for reengagement if and when vacancy occur. While doing so the petitioner be given preference over his juniors and over his freshers. The respondents shall ignore the fact that the petitioner had not been sponsored from the Employment Exchange.

With these directions, the O.A. is disposed of finally. There will be no order as to costs.

  
(B.N. Dhoundiyal)  
Member(A)

  
(S.K. Dhaon)  
Vice-Chairman