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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH NEW DELHI

24/12/92

Original Application No. 1724 of 1992

Beni Singh Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C. Privastava, V.D.

Hon'ble Ms. Usha Savara, Member (A)

(By Hon'ble Mr. Justice U.C. Privastava, V.D.)

The counsel for the parties are ready for arguing the case and the learned counsel for the respondents states ^{that} ~~on~~ the basis of the record he ^{is} prepared to assist the tribunal for final ~~by~~ disposal of the case, as such the case is being disposed of finally.

2. The applicant ~~was~~ was working as Anti-Malaria Lascar at the Air Force Station Rajokri New Delhi seeking direction ~~for~~ ^{to} the respondents ~~for~~ ^{to} appoint him to the post Anti-Malaria Lascar or any other group 'D' post on the regular basis and engage him on daily wage till his absorption against the regular post. The name of the applicant was sponsored by the Employment Exchange and it is thereafter he was called for interview and was selected as such after medical examination and verification of character. The applicant was appointed as Anti-Malaria Lascar on 14.6.1990 on daily wages. He was dis-engaged on 31.10.1990. The appointment ~~was~~ ^{was} ~~perenial~~ in the sense that is it ~~was~~ ^{was} seasonal. The applicant received memo again on 15.2.1991 requiring him to appear before the selection Board on 25.2.1991 for re-engagement as he has already been engaged in the past. After selection, the applicant was engaged again, but he was again dis-engaged on 31.10.91. According to him with an assurance that he will be

re-engaged again. ~~unavailable~~ ^{has alleged that} The applicant, he was performing the number of duties and large number of regular posts of Lascars working at various Air Force Stations at Race Course, Subhadra Park, Narina Nagafgarh, Tughlakabad, Ghogha in Delhi and other cities. These daily wages workers are employed regularly in every season on this basis. For the ensuing season, the applicant was waiting for his turn to come and he found that ~~few~~ ^{new} persons have been appointed, ~~the applicant~~ ^{he} contacted the respondents for getting the letter of engagement, but they ~~never~~ generally told that employment will be made during the month of June 1992 and ~~they~~ will be given preference to others, but even then the new persons have already been engaged and some more will be employed shortly. The applicant has given the name of new persons ^{has stated that} and even the daily paid workers have been transferred to the regular posts of Anti-Malaria Lascar, after a service of six months or so. The applicant who has worked more than one season has thus been deprived of re-engagement and ~~he~~ has been told ^{Subsequently} that if his name comes through the employment exchange, he may be considered, that's why ~~the applicant~~ has approached this tribunal praying that the respondents be directed to appoint the applicant on regular basis on the posts of Anti-Malaria Lascar or any other group post at the Rajokri Station or any other station of the Air Force command with and the salary and allowance may also be paid to the applicant in the regular pay-scale, as the same has been given to regular employees and they may be further directed to employ and engage him on daily wage rates as till his transfer to the regular establishment.

ment.

3. Sri Jog Singh learned counsel for the respondents contended that the applicant as such has got no right and the respondents could have engaged anyone ^{separately}. The respondents have not done any ⁱⁿjustice with the applicant as they are following ~~the~~ ^a fixed principle and policy, taking ^{who} persons/come through the agency of the employment exchange. Sri Bhatiya learned counsel for the applicant ^{strenuously} ~~vehemently~~ contended that no new comer and fresher can be given priority and preference over the applicant, who ^{is} ~~was~~ to be given first chance for re-engagement and for regular appointments as has been practice of the department and no new comer can be appointed either Anti-Malaria Lascar in this unit or any other unit under the command of the respondents or given the employment by passing their play. Obviously, his right in contending the advancement of the applicant has come through the agency of the employment exchange. It was no longer obligatory on him to come again and again through the employment exchange. The respondents can not deny him the engagement or the regularisation on the ground that this time he has not come through the employment exchange. He has made ~~xxx~~ reference to the decision of this tribunal on similarly placed employees, in the case of Sri Puresh Chandra and others Vs. Union of India and others, O.A. No. 1655 of 92 decided on 20.11.1992, where the tribunal allowed the application directing that ^{if} the names of the applicants are sponsored for the seasonal posts of Anti Malaria Lascar under respondent no. 3 e.g. The Commanding Officer Air Force Station (25 wing Unit), Rajokri, New Delhi for the next year or thereafter and if they are otherwise

eligible, they shall be given preference over those sponsored candidates who have put in lesser number of days as Anti Malaria Lascar or fresh candidates; and if their names are not sponsored by the Employment Exchange on the ground that their names have been removed from the live Employment register with the employment Exchange, they shall be considered for engagement in preference to those who have put in lesser number of days as Anti Malaria Lascar or candidates without any experience." While accepting the said judgement we are making further clarification that in case, the applicants ^{have} ~~come~~ ^{through} once ~~to~~ the employment exchange, it will be deemed to have come "through the employment exchange and as the officer is the same and the department is the same, it is not necessary that they are to be given appointment in one particular unit, they can be considered for the appointment in the other unit. These daily wages workers, the question of seniority in the sense that those who are house for longer days or have worked for more than one season, will be given priority and preference over those who have worked for lesser period or lesser number of seasons and let there be ~~no~~ no delay ~~be~~ caused in this matter and we hope that the respondents as they are, will do full justice with the applicant and similarly other placed persons. Their cases for regularisation whenever their turn come in order of seniority shall also be considered. With these observations, the application stands disposed of finally. No order as to the costs.

B. Lavang
Member(A)

[Signature]
Vice-Chairman

Dated: 24.12.1992

(RKA)