

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.3290/92

Dated this the 21st of December, 1995.

Hon'ble Shri S.R. Adige, Member(A)
Hon'ble Dr.A. Vedavalli, Member(J)

Shri Subhash Chand,
S/o Shri Khube Ram,
Working as a Casual Labourer in
Directorate of Estates,
Nirman Bhavan, New Delhi.

...Applicant

By Advocate: Shri J.K. Singh (though not present)

versus

1. Union of India through its
Secretary, Ministry of Personnel,
Public Grievances, Pension & Training,
North Block, New Delhi.

2. The Director of Estates,
Directorate of Estates,
'C' Wing, 4th Floor,
Nirman Bhavan, New Delhi.

.Respondents

By Advocate: Shri M.K. Gupta.

O R D E R (Oral)
(By Hon'ble Shri S.R. Adige, Member(A))

In this application Shri Subhash Chand has
prayed for absorbing him against any category of posts
in Group 'D' under any of the Ministries/
Departments/Offices of the Central Government on
regular basis preferably under Respondent No.2 in
Delhi and till such time, the applicant is
employed/absorbed against any regular group 'D' post
as prayed for, the ~~applicant~~ ^{respondents} may be directed to be
allowed to continue as Casual Labourer under the
respondent No.2 as before and in preference to
freshers and to those who are junior to the applicant.

2. It is not denied that the applicant whose
name was sponsored by the Employment Exchange has
served with the Respondent No.2 as a casual labourer
from 30.8.89 to 23.12.92 although the respondents

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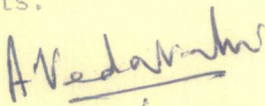
states that this period of service was with breaks in engagements. It appears that the applicant was disengaged on 24.12.92.

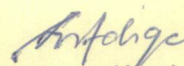
3. None appeared for the applicant when this case was called out. Shri M.K. Gupta appeared for the respondents and has very fairly conceded that the applicant has put in service with the respondents for a period of over three years.

4. The respondents, however, have stated that no casual labourer has been engaged in the office of Respondent No.2 after the applicant was disengaged and the applicant has not refuted this fact either in his rejoinder.

5. Under the circumstances having regard to the fact that the applicant has put in over 3 years of service with the respondents, we dispose of this OA with a direction to the respondents to consider reengaging the applicant in accordance with the rules and instructions on the subject as a casual labourer in the first instance, in preference to outsiders and those with overall lesser length of past service who were disengaged. Thereafter, it will be open to the applicant to work out his rights for grant of temporary status and eventually regularisation in accordance with rules and instructions on the subject.

6. This OA is disposed of accordingly. No costs.


(Dr. A. Vedavalli)
Member(J)


(S.R. Adige)
Member(A)