

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

(a)

CCP No.92 of 1995
in
O.A. No. 1694 of 1992

New Delhi, dated the 18th April, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Sanjay Kumar,
S/o Shri Ballu Ram,
R/o B-204, Gali No.11,
Bhajanpura,
Delhi-110053. APPLICANT

By Advocate: Shri S.K. Verma

VERSUS

Shri Lalit Pariyar,
Director General,
Employee State Insurance Corporation,
"Panchdeep Bhawan",
Kotla Road,
New Delhi-110002. RESPONDENTS

By Advocate: Shri G.R. Nayyar

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard Shri Verma for the applicant and Shri G.R. Nayyar for the respondents.

2. This CCP alleges wilful and deliberate disobedience of the Tribunal Judgment dated 16.10.92 in O.A. No.1694/92 Sanjay Kumar Vs. ESIC & Ors. whereby the respondents had been directed to consider engaging the applicant as casual labourer, if vacancy existed in preference to persons with lesser length of service and outsiders.

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For the purpose, the respondents were to consider any vacancy arising not only as chowkidar but also other categories of casual labour.

3. Respondents' counsel Shri Nayyar has stated at the bar that the applicant was offered an engagement as a casual labourer (waterman) in May, 1995 and has again been offered a similar engagement in the ensuing summer season this year.


4. The applicant is apprehensive that as the engagement will be only for the summer season he would again be without employment thereafter.


5. As in terms of Tribunal's order dated 16.10.92 the applicant was to be considered for any category of casual labour, and he has been offered the job of a casual labourer (waterman), it cannot be said that there is any wilful and deliberate disobedience of those orders.

6. This CCP is therefore disposed of with ^{the} observation that the applicant would be well advised to accept the offer already made to him, and thereafter he can work out his rights for engagement on more stable basis in accordance with law. In this connection we note the assurance given by the respondents' counsel Shri Nayyar at the bar that if and when any casual labourers are required for a longer duration, the applicant's case will be duly considered in accordance with extant ^{law}

rules.

7. This CCP is disposed of accordingly and the notices against the respondents are discharged. No costs.


(Mrs. LAKSHMI SWAMINATHAN)
Member (J)


(S.R. ADIGE)
Member (A)

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