

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. *1480/93
T.A. No.

199

DATE OF DECISION 24-8-93

Prabhakar Jha and Ors.

Petitioner

Anis Suhrawardy

Advocate for the Petitioner(s)

Versus

U.O. I. & Others

Respondent

Sh. J. C. Madan, proxy counsel for
 Sh. P. H. Ramchandani, counsel

Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. B.S. Hegde, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT (ORAL)

(delivered by Sh.B.N. Dhoundiyal, M(A))

The nine applicants in this O.A. worked as daily wagers in the office of the General Manager-cum-Editor, Employment News and were also parties in OA No. 1137/92 decided earlier by a Bench of this Tribunal consisting of Hon'ble Sh.P.K. Kartha, Vice Chairman(J) and one of us (Sh.B.N. Dhoundiyal).

delivered on 18.11.92 with the following directions:-

1. " We direct that the applicants shall be continued to be engaged as casual labourers so long as the respondents need the services of casual labourers and in preference to their juniors and outsiders.

2. In case, no vacancies exist in the Publication Division the applicant should be considered for engagement in other offices in the Ministry of Information and Broadcasting, depending on the availability of vacancies. They should also be considered for regularisation in accordance with the scheme prepared as mentioned in the judgement of this Tribunal in Raj Kamal's case.

3. The respondents are directed not to induct fresh recruits as casual labourers through the Employment Exchange or otherwise, overlooking the preferential claims of the applicants.

2. A counter has been filed by the respondents in which it is stated that some vacancies have been recommended by the S.I.U. The case is under consideration of the Ministry and process for regularisation will be taken up on receipt of sanction strictly in accordance with the seniority.

3. The only remaining issue relates to re-engagement of Sh. Bhawan Chandra Tiwari and Prabhash Jha. Respondents have stated that they remained absent without any intimation and they had not given correct address, no notices were sent to them. As Sh. Tiwari had been working for 8 years and Shri Jha for 2½ years, natural justice demands that the applicants are allowed to submit their representations explaining the circumstances under

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which they remained absent from duty. The respondents shall consider the representation's and if satisfied reengage them. In case the representations are rejected speaking orders shall be passed.

4. The O.A. is disposed of with the above observation. No order as to costs.

B.S. Hegde
(B.S. HEGDE)
MEMBER (J)

B.N. Dholiyal
(B.N. DHOUDIYAL)
MEMBER (A)

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