

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.1537 of 1993

5th day of January, 1994

Hon'ble Mr. J.P. Sharma, Member (J)

Hon'ble Mr. B.K. Singh, Member (A)

Bhopal Singh,
S/o late Shri Kesav Singh,
RZH-328-A
Raj Nagar, Part-II
Palam Colony, New Delhi. Applicant

By Advocate: Shri S.S. Tiwari

VERSUS

1. Union of India, through,
The Secretary,
Ministry of Defence, South Block,
New Delhi.

2. The Commander,
Works Engineer (Air Force),
Palam, Delhi Cantt.
Delhi.

3. The Garrison Engineer (North)
Air Force, Palam,
Delhi Cantt.
Delhi.

Respondents

By Advocate: Mrs. Meera Chhibber

O R D E R (Oral)

(By Hon'ble Mr. J.P. Sharma, Member (J))

Since the parties have filed their pleadings, we heard both the parties on admission as well as on disposal of the case. The learned counsel for the respondents has filed the reply before the Bench itself with the copy to the applicant who is not filing any rejoinder to the same.

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2. It is argued by the learned counsel for the applicant that the applicant has been earlier employed by the respondents as a labourer and that he has worked for about 100 days. He also stressed that the respondents are getting fresh names from Employment Exchange for appointment of casual labourers as well as making regular appointments in Group IV posts in the same organisation. The learned counsel for the respondents, however, rebutted the contention of the applicant's counsel regarding the number of days the applicant has worked earlier in different spells and according to the respondents the applicant has worked for only 68 days in a year, as mentioned in annexure R-II of the counter.

3. In the application the applicant has a grievance that despite his request for re-engagement and making representation to that effect, he has not been re-engaged, though some raw hands have been engaged on regular basis and the representation of the applicant was not replied to. The applicant has prayed for grant of reliefs that the applicant be considered for appointment to Group IV post and the benefit of the judgment delivered by CAT in Hem Chander Vs. Union of India be given to him. However, during the course of arguments, the learned counsel for the applicant only pressed for grant of relief that when persons sponsored from Employment Exchange are considered then the applicant be also considered along with them for regular appointment to Group IV post

4. The learned counsel for the respondents, however, has drawn our attention to the recruitment rules in force for Mazdoors (unskilled) and their minimum qualification for eligibility is laid down as 8th pass with good physique and the incumbent should be between the age group of 18-25 years. The learned counsel for the respondents also argued that the applicant has worked in the year 1986 basically and for some time in January 1987. Therefore he should have come for redressal of his grievance of non-engagement subsequent to 1987 or in the year 1987 itself at the proper time.

5. We have considered the rival contentions. The present application has been filed in July 1993 and the representation has been made by the applicant to the respondents in June 1992. At that point of time the applicant, as pointed out by the learned counsel for the respondents, was less than 25 years of age. However, this is subject to verification by the respondents in view of the direction we are hereinafter issuing and is not therefore taken as a correct statement of facts.

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6. Regarding the judgment of Hem Chander Vs. Union of India, filed by the learned counsel for the applicant, it does not lay down any ratio. The judgment only directs the respondents to consider the applicant (Hem Chander) along with others and if any person in view of the communication dated 23.5.92 has been regularised he can also be considered for such regularisation.

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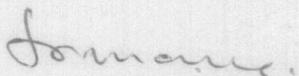
What prevailed with the learned Bench to make such observation is not evident in the judgment itself. Thus the judgment cannot have a binding precedent. However, considering the facts and circumstances of the case, the applicant has a right to be considered along with the freshers sponsored by the Employment Exchange or otherwise seeking employment with the respondents and in the event he being found overaged, a relaxation has to be given to him upto the period he has already put in with the respondents.

7. The respondents should consider the engagement of the applicant anytime when the necessity arises and the applicant shall also remain vigilant for applying for the job of a labour or any other Group IV post for which he is eligible and the respondents will intimate the outcome him for such regular appointment.

The application is disposed of accordingly, leaving the parties to bear their own costs.



(B.K. Singh)
Member(A)



(J.P. Sharma)
Member(J)

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