

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1893/93

NEW DELHI THE 28TH DAY OF JANUARY, 1994.

HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
HON'BLE MR.B.N.DHOUNDIYAL, MEMBER(A)

Gauri Datt Bawari
s/o Shri Bhagirath Bawari
R/o D-27, Defence Colony
New Delhi-110024.

Applicant

BY ADVOCATE SHRI S.K.GUPTA.

VS.

1.Union of India through
Secretary,
Department of Personnel
Ministry of Home Affairs
North Block,
New Delhi.

2.Director
Central Bureau of Investigation
Lok Nayak Bhavan
New Delhi-110003.

3.Superintendent of Police(TRG.)
Central Bureau of Investigation
Coordination Division
8th Floor, Lok Nayak Bhavan,
New Delhi-110003.

Respondents

MS.PROTIMA MITTAL, PROXY
COUNSEL FOR SHRI K.C.MITTAL, ADVOCATE.

ORDER(ORAL)

JUSTICE S.K.DHAON:

The material averments in this application are these. The applicant is registered with the Employment Exchange, Kamla Market and his Employment Card No. is 1721/91. He was sponsored by the said Employment Exchange for being employed as a daily wager. He was interviewed in the office of the Director, Central Bureau of Investigation(Respondent No.2) on 12.3.1992 for being appointed as a daily wager. He was selected for such appointment and by letter dated 26.3.1992 issued by the Supdt. of Police/Trg., CBI, he was called upon to join the duties. Initially, he was given an employment for a period of 90 days with effect from 1.4.1992 to 30.6.1992 and was

appointed in the C.B.I Interpol Wing of Coordination ^{Division}. This appointment was extended upto 29.9.1992. He was given a further extension of three months. His services were terminated by a memorandum dated 10.12.1992. Immediately after the termination of his services, the Superintendent of Police (Trg.), Central Bureau of Investigation, Coordination Division (Respondent No.3) called for fresh names from the Employment Exchange to fill up the vacancies of daily wagers. On 13.1.1993, fresh candidates were interviewed. However, the applicant was not called for such an interview. According to the certificate issued by the respondents themselves, the work and conduct of the applicant was satisfactory throughout.

2. The prayer is that the order of termination dated 10.12.1992 may be quashed. The further prayer is that the respondents may be directed to consider the name of the applicant for appointment as a daily wager in preference to freshers/juniors immediately.

3. A counter-affidavit has been filed on behalf of the respondents. In it, the averments as material, are these. The applicant was engaged afresh with effect from 2.7.1992 in the CBI Library under Interpol Wing of Coordination Division, New Delhi. Earlier he was engaged in Interpol Wing of Coordination Division/CBI. The applicant worked for three different periods in three different offices as such job assigned to him was not of similar nature. Once the work was over, he was shifted to another office. He has no right to claim continuity of work from the 1st day of

engagement as a daily wager casual labour.

4. It is significant to note that the contents of para 4.9 of the OA that that on 18.1.1993, three fresh persons, one of them namely Rakesh Kumar, were appointed as daily wagers by the respondents and they are still working in the offices of respondents 3 & 2, have not been denied in the counter-affidavit.

5. The contention advanced at the Bar is that the respondents have failed to observe the principle of 'last come first go'.

6. Having heard the learned counsel for the parties, we are of the opinion that the applicant is entitled to some relief. We therefore, direct the respondents that if and when fresh engagement of daily wagers is made by them, they shall consider the case of the applicant and give him preference over freshers and juniors to him, if he is otherwise fit for such an engagement.

7. With these directions, the OA is disposed of finally. There shall be no order as to costs.

B.N. Dhoundiyal
(B.N.DHOUNDIYAL)
MEMBER(A)

S.K. Dhaon
(S.K.DHAON)
VICE-CHAIRMAN(J)

SNS