

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-2722/93
MA-3746/93

New Delhi this the 3rd Day of January, 1993.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)

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

1. Sh. Surinder Kumar,
S/o Sh. Chhatar Singh,
R/o 1697, Kotla Mubarak Pur,
New Delhi-3.
2. Sh. Inder Pal
S/o Sh. Samai Singh,
R/o 41, Vill. & P.O. Khajuri Khas,
Delhi-94.

Petitioners

(By advocate Sh. V.P. Sharma)

versus

1. Union of India
through the Secretary,
Ministry of Food,
Krishi Bhawan,
New Delhi.
2. The Controller of Accounts,
Ministry of Food,
Govt. of India,
1688, Kasturba Gandhi Marg,
New Delhi-1.
3. The Principal Pay & Accounts Officers,
Ministry of Food, Govt. of India,
1688, Kasturba Gandhi Marg,
New Delhi.

Respondents.

ORDER (oral)
delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)

The petitioners have approached this Tribunal for the second time. They came to this Tribunal by means of O.A. No. 1476/93 which was disposed of on 21.10.93 by us. In that O.A. the only point pressed on behalf of the petitioner was that the respondents should be restrained from insisting upon the sponsorship of the petitioners by

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the Employment Exchange concerned over and over again for giving them employment as Hot Weather Watermen. We gave a specific direction that if the petitioners had been so sponsored they need not be responsored by the Employment Exchange for giving employment as Hot Weather Watermen in the succeeding years. We also directed that the petitioners would be considered for such an employment alongwith those who have been sponsored by the Employment Exchange.

In support of this O.A. it is urged by Sh. Sharma that categorisation of Hot Weather Watermen and the normal casual labourers is discriminatory and violative of Article 14 of the Constitution. This argument has to be merely rejected. It is obvious that the Hot Weather Watermen are given seasonal employment. Such employment is of a short term during the summer season only, whereas the casual labourers are supposed to be employed all the year round. It is on the supposition that there is work for them all the year round, the question of discrimination can hardly arise in such a circumstance.

The learned counsel next urged that in view of the law the petitioners should be considered for being given a fresh employment as casual labourers in competition with the fresh recruits as casual labourers. Such a right cannot be denied to the petitioners. However, we make it clear that the petitioners will not be entitled to the benefit of the 'Casual Labourers' (Grant of Temporary Status and Regularisation) Scheme of 1993.

With these observations, this application is disposed of. No costs.

B.N. Dhoniyal
(B.N. DHOUNIDYAL) 31/1/93
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN (C)