

(12)

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.450/93

New Delhi this the 8th day of November 1995.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Mohender Kumar
R/o RZ-238, F-Block
Raj Nagar-II
Palam Colony
New Delhi.

...Applicant

By advocate: Shri V.P.Sharma)

Versus

1. Union of India through the Secretary
Ministry of Communication & Broadcasting
Sanchar Bhawan, New Delhi.
2. The General Manager Telecom
Gujrat Circle
Ahmedabad.
3. The Director Manager Telecom
Surender Nagar (Gujrat)
4. The Sub-Divisional Officer
Telecom Dept.
Surender Nagar (Gujarat)

...Respondents.

(By advocate: Shri M.M.Sudan)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicant who was engaged as casual labour under the respondents from 5.9.85 to 6.3.86 and from 1.2.88 upto 31.5.88 is aggrieved by the refusal on the part of the respondents to re-engage him and has therefore filed this application for a direction to the respondents to re-engage him in service, declaring the action of the respondents in re-engaging juniors and outsiders as illegal and against the principle of natural justice.

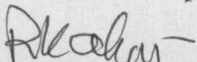
2. The application is opposed by the respondents on the ground that the right of the applicant, if any, is barred by limitation; ^{and} that as he had not worked for 240 days continuously, he was not entitled to any benefit which would be available to a casual labour who had continuously worked for 240 days.

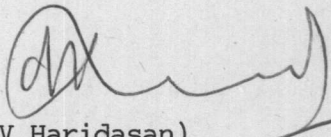
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3. When the application came up for final hearing today, learned counsel of the applicant states that the applicant would be satisfied if the respondents are directed to consider his case for re-engagement in preference to outsiders and freshers. Though learned counsel of the respondents did not concede anything, on a careful consideration of the averments in this application and taking note of the fact that the applicant is a person who had rendered some service to the department, we are of the considered view that it would be beneficial to the applicant as also to the respondents to consider his re-engagement in preference to freshers who have not rendered any service at all.

4. Under the circumstances, we dispose of this application with a direction to the respondents to consider re-engagement of the applicant as a casual worker in case engagement of casual workers becomes necessary in future, in preference to totally outsiders and freshers.

There is no order as to costs.


(R.K. Ahooja)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)

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