

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 12th Day of September, 2000.

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Dayal, A.M.

Original Application No. 146 of 1996.

Prem Nath Tiwari,
son of Ram Kishan Tiwari,
resident of 148-A, Rasoolabad,
Allahabad.

. . . Applicant.

Counsel for the applicant: Sri Chandra Prakash, Adv.

Versus

1. Union of India through Secretary, Ministry
of Defence, Government of India, New Delhi.
2. Engineer-in-Chief, Army Head Quarters, New Delhi.
3. Commander Works Engineering, Military Engineering
Services, behind High Court Building, Allahabad.

. . . Respondents.

Counsel for the Respondents: Sri Satish Mandhyan, Adv.

Order (Open Court)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the
Administrative Tribunals Act 1985 the applicant has
prayed that respondents be directed to post the
applicant as Motor Pump Assistant and pay his




entire back wages with all consequential benefits admissible to him from time to time including seniority and promotion.

2. The basis for the aforesaid claim is that applicant was engaged ^{on} casual basis on 19.6.80. The admitted position about engagement, as said in the counter affidavit is that he worked upto 1983 and total working days were 470. According to the certificates filed by the applicant the total number of working days are 595. It appears that ^{thereafter} the applicant was not given engagement on casual basis.

3. The learned counsel for the applicant has submitted that after his dis-engagement, his claim was not considered on account of the Circular orders of 1988 and 1993 as they provided condition that the orders will be applicable only to those employees who were on actual job. It is submitted that the Government order of 1993 changed the position and directed that all such casual ~~lab~~ employees who were initially sponsored through Employment Exchange and recruited and have completed more than 240 days (even 120 days) should be afforded opportunity to appointment against existing vacancies as and when released for filling up locally.

4. The submission of the learned counsel for the applicant is that under the subsequent orders claim of the applicant should have been entertained by the respondents but his representations were not considered and decided which ^{are} ~~is~~ still pending. A copy of the representation



dated 18.5.95 has been filed as Annexure-10.

5. Sri Satish Mandhyan learned counsel for the respondents on the other hand submitted that after 1983 applicant has not worked and he is not entitled for any relief. It is also submitted that on the basis of Government orders of 1988 and 1991 his claim could not be considered.

6. We have carefully considered the submissions of the learned counsel for the parties. In our opinion since admitted position is that applicant has worked between 1982-83 for 470 days, he is entitled for consideration under the order of 1993.

7. From the order it does not appear that it has been confined to particular class, all those who were engaged as casual labourers and they satisfied the twin conditions provided therein, ~~they~~ ^{are} are entitled to ^{be} considered for appointment against existing vacancies as and when released.

8. In the aforesaid facts and circumstances this application is disposed of finally with the direction to respondent No.3 Commander Works, Military Engineering Services Allahabad to consider the representation of the applicant ^{dated} 18.5.95, in the light of Government order mentioned above and pass orders in accordance with law within a period of three months from the date, a copy of this order is filed. No order as to costs.

Member (A.)

Vice Chairman,

Nafees.