

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD,

Allahabad this the 8th day of September 2000.

CORAM :-

Hon'ble Mr. Rafiq Uddin, Member-J.

Orginal applicatin No. 16 of 1998.

Laxaman Prashad S/o Sri Pnacham Lal
R/o Vill. Baniapur, Post:- Lamahi
Via Sarnath, Distt. Varanasi.

.....Applicant.

Counsel for the applicant:- Sri Anand Kumar

Sri C.P. Gupta.

V E R S U S

1. Union of India through Post Master General
Allahabad.

2. Sr. Superintendent of Post Offices,
East Division, Varanasi.

.....Respondents.

Counse for the respondents :- Sri S.C. Tripathi.

O R D E R (oral)

(By Hon'ble Mr. Rafiq Uddin, J.M.)

It is an admitted case that the applicant
was engaged as Daily Raited Mazdoor ^{for} about 143 days
during the period of April 1993 till July 1994 by
the respondent No. 2.

Ry

.... Contd.

The applicant claims that he was initially engaged as cleaner in Mail Motor Service against clear vacancy on 06.07.92 and he worked up to March 1994.

Further his services came to an end because one Sri Ram Pratap Singh, ^{who} ~~had~~ previously worked as cleaner ^{and} ~~and~~ his services were terminated, ~~and~~ was reinstated in terms of order of this Tribunal.

The applicant further claimed that he was engaged w.e.f. 27.03.95 vice one Sri Lalji Prashad and he worked for about more than one year and thereafter he was not allowed to work.

2. It is also admitted by the respondents that applicant was engaged as daily rated Mazdoor during the aforesaid period. The applicant now claims that some fresh persons namely Rajesh Prashad and Arun Kumar have been engaged on the post of cleaner by the respondent No. 2 and the action of the respondent is discriminatory hence he has filed this O.A for direction to the respondents to re-engage the applicant either on the post of cleaner or any other class IV post.

3. I have heard Sri C.P.Gupta, learned counsel for the applicant and Sri S.C. Tripathi, learned counsel for the respondents.

4. It is an admitted fact that the applicant ^{but} ~~had~~ been engaged against clear vacancy ~~and~~ he was ^{merely} ~~merely~~ engaged as daily rated Mazdoor on casual basis. However, considering the fact that the applicant has been engaged by the respondent No. 2 as Cleaner frequently as and when the work is available

It is desirable that the preference should be given to the applicant as and when any vacancy of Cleaner or any class IV post arises within the administrative control of respondent No.2. It is also not proper that some fresh candidates should be recruited. Therefore, this O.A is disposed of with the direction to the respondent No. 2 to re-engage the applicant as and when any vacancy arises in future and no persons junior to the applicant should be recruited till the services of the applicant is available.

5. There will be no order as to costs.

Rajendra
Member (J).

/Anand/