

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

ORIGINAL APPLICATION NO. 802 OF 2004.

ALLAHABAD THIS THE 19TH DAY OF MARCH 2008.

Hon'ble Mr. Justice Khem Karan, V.C.

Hare Ram, son of Shri Sewa Ram, Resident of Village Hardutpur,
Post Jagatpur, District Varanasi.

.....Applicant

(By Advocate: Shri V.K. Srivastava)

Versus.

1. Union of India through Secretary, Defence Accounts (Central),
New Delhi.
2. The Controller Defence Accounts, Central Command,
Lucknow.
3. The Defence Accounts, Mahaniyantrak, R.K Puram, West
Block, New Delhi.
4. The Accounts Officer, Pay and Accounts Office, 39 GTC,
Varanasi Cantt.

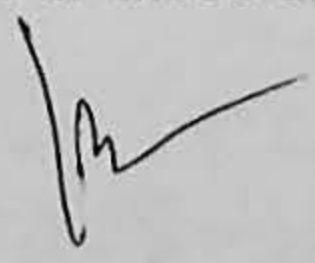
.....Respondents

(By Advocate: Shri Saumitra Singh)

ORDER

The applicant has prayed for directing the respondents to make appointment as casual labour, pursuant to the order dated 6.2.2002 of this Tribunal in earlier O.A. NO. 339/97 and for asking them to permit the applicant to work as Casual Labour.

2. In brief, his case is that he worked as a Casual Labour from 20.6.1989 to 1995 and was thereafter orally disengaged or discontinued. Aggrieved of that disengagement, he filed O.A. NO. 339/97 for quashing of oral termination dated 14.1.1996 and for his reinstatement with all consequential benefits and also for regularizing ^{his} ~~the~~ services. That O.A. was finally disposed of, vide order dated 27.3.2001, with a direction that in case Shri Ram Adhar and Shri Mohan Lal junior to the applicant, were working, he may also be engaged as Casual Labour subject to availability of vacancy. The grievance of the applicant is that inspite of those directions, certain



steps having been taken by the respondents for ensuring the compliance of the said directions, applicant has not been engaged as a casual labour.

3. The respondents have filed written reply, contesting the claim. They say in para 15 that applicant will be reengaged as casual labour as per requirement and preference will be given to him over prospective casual labourer. It has already been stated that due to non-availability of casual nature of work, no casual labour has been engaged, several other pleas have taken.

4. I have heard Shri V.K. Srivastava, learned counsel for the applicant and Shri S. Singh, learned counsel for the respondents.

5. I put a pointed query to Shri Srivastava as to how O.A. can be filed for securing the compliance of the Tribunal's order. There was no satisfactory reply to this query. So relief NO.1 does not appear to be one, which can be considered or granted in the second O.A. In so far as relief No.2 is concerned, the same is closely connected to relief NO.1. When the Tribunal has already given direction in earlier O.A, that applicant be engaged as casual labour subject to availability of vacancy, then this second O.A. will not be maintainable.

6. The applicant is free to make representations, if any, in the light of earlier directions, ~~and~~ ^{by} respondents. ~~They~~ ^{They} themselves are saying that on availability of vacancy, applicant will be engaged as casual labour in preference to others. The Tribunal has every hope that respondents will honour the earlier verdict.

7. With the observations made above, the O.A. stands disposed of. No costs.

[Signature]
19.3.08
Vice-Chairman

Manish/-