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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 194 OF 1998  
Cuttack, this the 22nd day of February, 2001

Ram Sankar Pani

....Applicant

Vrs.

Union of India and another...

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G.NARASIMHAM)  
MEMBER(JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
22.2.2001

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 194 OF 1998  
Cuttack, this the 22nd day of February, 2001.

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....  
Ram Sankar Pani, aged 40 years, son of late Dhirendranath  
Pani, Plot No. E.5(A), B.J.B.Nagar, Bhubaneswar,  
District-Khurda.... Applicant

Advocates for applicant-M/s S.K.Das  
S.Behera

Vrs.

1. Union of India, represented through its Secretary,  
Department of Agriculture and Co-operation, Krushi  
Bhawan, New Delhi.
2. Director, Central Poultry Breeding Farm, Nayapalli,  
P.O-Bhubaneswar, District-Khurda

..... Respondents

Advocate for respondents-Mr.B.Dash  
ACGSC

O R D E R  
(ORAL)

SOMNATH SOM, VICE-CHAIRMAN

In this application, the petitioner has  
prayed for a direction to the respondents to consider the  
case of the petitioner for appointment as Skilled Worker  
(Clerical). The respondents have filed counter. We have  
heard Shri S.J.Nanda, the learned counsel for the petitioner  
and Shri B.Dash, the learned Additional Standing Counsel for  
the respondents.

2. The applicant's case is that he had  
worked from 22.11.1983 to 7.9.1984 and again from 21.9.1984  
to 10.5.1985 under the respondents in the Central Poultry  
Breeding Farm, Nayapalli, Bhubaneswar and as a retrenched  
Casual Worker, he has a right to be considered for  
engagement as a Casual Worker before fresh hands are

engaged. In the context of the above, the petitioner has come up with the prayer referred to earlier.

3. It is also to be noted that earlier the petitioner had approached the Tribunal in OA No.183 of 1997 which was disposed of on 5.11.1997. In paragraph 3 of the order it was noted that earlier the applicant had filed OA No. 538 of 1996 and from the order of the Tribunal in OA No. 538 of 1996 it was noted that the representation dated 26.6.1996 made by the applicant to respondent no.2 was still pending. In view of this, OA No.183 of 1997 was disposed of with a direction to respondent no.2 to dispose of the representation dated 26.6.1996 within a period of sixty days and communicate the decision to the applicant within fifteen days thereafter. It was also directed that the applicant may apply to the respondents for engagement as a Casual Labourer along with others and the respondents should consider his case in accordance with rules and need for engagement of casual labourer under the respondents.

4. Respondents in their counter have stated that the applicant had been engaged as a Casual Worker more than 12 years prior to filing of this OA. It has also been stated in paragraph 9 of the counter that at present engagement of any Skilled Casual Labourer/Casual Labourer is strictly banned by the Government of India and as such there is no question of engaging Casual Labourer or Skilled Casual Labourer and for giving preference to the applicant over fresh hands.

S/Som

5. It is submitted by the learned counsel for the petitioner that there are vacancies in the post of Skilled Casual Worker and the applicant's case may be considered. The law is well settled that a casual labourer by his very nature of job is engaged for only casual and intermittent nature of work and it is for the departmental authorities to decide whether or not to engage a casual labourer or worker. All that the petitioner is entitled to is that in case the respondents engage casual labourer or casual worker (skilled or unskilled) and in case they propose to take in a fresh hand for the type of work which the applicant was doing during his previous engagement, then the applicant will have to be given preference over fresh hands. We order accordingly.

6. With the above direction, the Original Application is disposed of. No costs.

(G.NARASIMHAM)

MEMBER(JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
22.2.2001.  
VICE-CHAIRMAN

February 22, 2001/AN/PS