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7/8

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 268/2003
Date of Decision : this the 27th day of August, 2004.

Hon'ble Mr. G.R. Patwardhan, Administrative Member

Gopi Ram S/o Shri Girdhari Ram
Aged 28 years, R/o Village Gujrawas,
District Jodhpur, Ex. Casual Labour in 4 (I)
Armed Bde/Ordnance Unit, Jodhpur.

.....Applicant.

[By Mr. Vijay Mehta, Advocate for applicant]

Versus

1. Union of India through the Secretary
Government of India, Ministry of Defence,
Raksha Bhawan, New Delhi.
2. Officer Commanding 4 (I),
Armed Bde/Ordnance Unit, Jodhpur

.....Respondents.

[By Mr. Vineet Mathur, Advocate for respondents]



**ORDER
[BY THE COURT]**

O.A. 268/2003 has been filed by Gopi Ram S/o Shri Girdhari Ram, against the Union of India through the Secretary, Ministry of Defence and the Officer Commanding 4 (I), Armed Bde/Ordnance Unit, Jodhpur. The order placed at Annex. A/1 dated 1.11.2003 under the signature of respondent No. 2 is under challenge whereby the applicant has been informed that his application has been rejected as the same was received on 11.10.2003 while the last date was 10.10.2003.

2. Counsel for both the parties have been heard. Reply has been filed which has been perused.

3. It appears that respondent No. 2 invited applications for appointment to the post of Mazdoor vide advertisement published in Dainik Bhasker dated 20th September, 2003 and the last date prescribed was 10th October, 2003. The applicant has not enclosed a copy of the same, but, the respondents in their reply have put a copy at Annex. R/1. It will help to appreciate the case better if some important features of this advertisement are noted first. The post advertised was Mazdoor and the pay scale prescribed was Rs. 2550-3200 and the applications were to be sent only through registered post and the last date was 10.10.2003.

4. It is the case of the applicant that he sent his application on 7th October, 2003 under registered cover and this being a fact and Post Office being an agency of the respondents Union of India, if at all there was any delay it was not the responsibility of the applicant. It is also submitted that earlier the applicant had worked as a Casual Labour and when disengaged, he filed OA 186/1997 before this Tribunal wherein on 11th January, 1999 the respondents were directed to reengage the applicant as and when the need arose (Annex.A/2) and in that view of the matter it was not even necessary for the applicant to apply for the advertised post.

5. The operative part of the order passed in O.A. No. 186/1997 decided on 11th January, 1999 runs as follows :-

"4. In the circumstances, we direct the respondents to consider the case of the applicant for his re-engagement



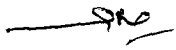
as a casual labourer as per rules as and when need arises without getting his name sponsored by the Employment Exchange. The O.A. stands disposed of accordingly at the stage of admission with no order as to costs."

6. It is, therefore, clear that direction in that OA was to consider the applicant as a Casual Labourer as per rules when need arose, without getting his name sponsored by the employment exchange. In the instant case, the advertisement was for regular employment. Obviously, therefore, the decision of the Tribunal earlier has no application when the recruitment was on a substantive basis for the post of a Mazdoor.



7. Admittedly, the application was sent on 7.10.2003. If the same did not reach the respondents by the cut off date, the blame for delay does not lie with them.

8. The application has no merit and is dismissed with no order as to costs.


[G.R.Patwardhan]
Member(A)

jrm

Received
31/10/13
R1104
31/10/13

Part II and III destroyed
in my presence on 29/10/13
under the supervision of
section officer as per
order dated 18/10/13

J.K. Sharma
Section officer (Record) 29.10.2013