

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATE OF DECISION

13th MARCH, 1990

PRESENT

Hon'ble Shri S.P.Mukerji, Vice Chairman
&
Hon'ble Shri A.V.Haridasan, Judicial Member

ORIGINAL APPLICATION No.499/89

1. Suresh Babu T.T.
2. K.Unnikrishnan.
3. Rajagopal P.T.
4. Ravindranath V.K.
5. Vinodini P.
6. Jayalekha C.K.
7. Girija N.
8. Sivarani P.

.. Applicants

Vs.

1. Union of India represented
by the Secretary,
Ministry of External Affairs,
Government of India, New Delhi.

2. The Passport Officer,
Pass Port Office,
Big Bazar, Kozhikode.

.. Respondents

Counsel for the applicants .. M/s K.Ramakumar, and
V. R. Ramachandran Nair

Counsel for the respondents .. Mr.T.P.M. Ibrahim Khan, ACGSC

ORDER

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 15th August, 1989 filed under Section 19 of the Administrative Tribunals Act, the eight applicants who had been engaged as casual labourers to do the clerical work have challenged the impugned order dated 28.7.89 (Annexure-B) terminating their service with effect from that date. The material facts of the case are as follows.

2. The applicants were engaged through Employment

Exchange ~~and~~ after an elaborate selection process
including viva-voce^h with effect from 1.12.88. Though
the initial appointment was for a period of 44 days
they were continued in casual job without any break.
Their service was terminated by the impugned order
when according to the respondents the arrears of work
to clear ~~for~~^h which they had been originally engaged
had been liquidated. The applicants' contention is
that while their services were terminated, the res-
pondents continued to retain in service some other
casual workers who ^{had} ~~are~~ ^{been} not even sponsored by the
Employment Exchange. To this the respondents have
indicated that they had been engaged separately for
clearing another item of arrears of work and as soon
as the work in that item was liquidated their services
were terminated. The question of the respondents
retaining any junior in preference to the applicants
does not arise.

3. We have heard the learned counsel for both
the parties and gone through the documents carefully.
The learned counsel for the applicant argued that
in spite of the fact that they had been engaged earlier
and that too through Employment Exchange and by a proper

.3.

selection process, the respondents have initiated further action to recruit raw hands ignoring the prior claim of the applicants. This has not been specifically denied by the respondents.

4. In the facts and circumstances, we close this application with the direction to the respondents that in case the respondents feel any necessity of engaging casual workers, they should engage the applicants first subject to their ^{seniority based on their} dates of engagement and suitability before any action is taken to recruit new hands from the open market or through the Employment Exchange. If any new hands have been engaged who are junior to the applicants, it goes without saying that the applicants should be accommodated in their place. There will be no order as to costs.



(A.V. HARIDASAN)
JUDICIAL MEMBER



(S.P. MUKERJI)
VICE CHAIRMAN

13-03-1990

Ksn.