

1.

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.758 of 2005

Date of order : 25<sup>th</sup> April, 2006

C O R A M

Hon'ble Mr. P.K.Sinha, Vice-Chairman

Binod Kumar

Applicant

Vrs.

Union of India & Ors.

Respondents.

Counsel for the applicant : Shri J.K.Kam  
Counsel for the respondents : Shri K.Jha, Id.ASC

O R D E R [ O R A L ]

Justice P.K.Sinha, Vice-Chairman :-

Heard the ld. counsels of both sides. The ld. counsel for the respondents has submitted that he is ready to file written statement for which he has received instructions, if given an adjournment.

2. This case has been hanging since long for hearing on admission and



3. This applicant had come earlier twice, lastly in O.A. No.225 of 2004 which was disposed of by an order dated 24.3.2004, for his re-engagement as he was earlier working as casual labour for about 6 years in two phases. While disposing of the O.A., the Tribunal in para 4, observed -

“After hearing the ld. counsel for the parties and going through the relevant records, it appears that the applicant's case deserves sympathetic consideration by the respondents, even though the applicant may not have any substantive claim for getting back to the same old post. It would be just and proper if a direction is given to the respondents to consider the case of the applicant afresh sympathetically and provide him with alternative employment anywhere within the jurisdiction even on daily wages basis, considering the fact that the applicant has worked for six years in two phases.”

4. Therefore, it does not appear that once having decided earlier, the similar matter should be considered afresh. However, keeping in view the observations of this Tribunal in that order as reproduced above, this Tribunal recorded order dated 2.12.2005 noting therein that the ld. counsel for the applicant had submitted that as per direction of the Tribunal, the applicant was ready to work even on daily wage basis. The ld. counsel for the respondents while maintaining that no legal right accrued to the applicant for obtaining any order as prayed, but he would consult the

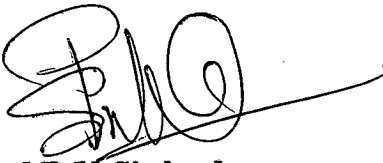
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concerned authorities and intimate the Tribunal as to whether it was possible to engage the applicant anywhere on daily wage basis. Thereafter, this matter was adjourned a few times for obtaining instructions.

5. When the ld. counsel for the respondents was asked to convey the Tribunal the views of the respondents, the ld. counsel for the respondents submitted that there was no vacancy in the circle in which the applicant could be engaged even as casual labour. This being the position, I do not think that any order can be passed beyond what already has been passed in O.A. 225 of 2004. However, in view of the observations aforesaid, the respondents are directed to consider the case of the applicant for his re-engagement as daily wage earner, if any such work arises within the jurisdiction of the respondents on which it is needed to engage a fresh hand. In such a case, the respondents would consider the case of the applicant for re-engaging him afresh as casual labourer and take a decision thereupon.

6. With the aforesaid direction and observation, this O.A. stands disposed of.



[ P.K.Sinha ]  
Vice-Chairman

mps.