

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT BENCH AT GWALIOR

Original Application No.505/2001

Gwalior, the 24th day of February, 2004

HON'BLE SHRI M.P.SINGH, VICE CHAIRMAN
HON'BLE SHRI G.SHANTHAPPA, MEMBER (J)

Madanlal s/o Shri Harvilas,
aged 32 years, Occupation-Unemployed,
R/o Panpatte Ki Goth, Kampoo, Lashkar,
Gwalior (MP).

...Applicant

(By Advocate:- Shri S.C.Sharma)

-versus-

1. Union of India through
Secretary,
Central Government,
Revenue Department,
New Delhi.
2. The Comptroller & Auditor General of India,
Bahadur Shah Zafar Marg,
New Delhi.
3. Account General,
(Account & Entitlement) I,
New Building, Jhansi Road,
Gwalior (MP).
4. Employment Exchange Officer,
Gwalior District,
Gwalior (MP).
5. Rajendra Rajak,
r/o House of Sh. Naresh Rajak
Naka Chandrawadani, Gwalior
Near Chaurasia Nursing Home,
Gwalior.

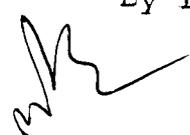
...Respondents

(By Advocate: Shri M.Rao)

O R D E R (ORAL)

By M.P.Singh, Vice Chairman -

By filing this O.A. the applicant has sought the



following main reliefs:

- a) The verbal order dated 31.8.2000 of respondents terminating service of applicant may kindly be declared as arbitrary, illegal, discriminatory action and retaining respondents no. 5 and 6 juniors be quashed and respondents be directed to reinstate applicant and treat continuously w.e.f. 31.8.2000 and pay full back wages since then.

2. The brief facts of the case are that the applicant was engaged as casual labourer for 238 days in the year 1989 and for 68 days during the year 1990. He was disengaged on 10.03.1990 after completion of the work for which he was engaged on daily wages as casual labourer. The applicant thereafter filed O.A. No. 266/93 before the Tribunal which was disposed of by order dated 23.9.1998 (A/1) with directions to the respondents that in case the name of the applicant is sponsored by the Employment Exchange in future, the applicant's case for re-engagement may be considered by giving him some weightage for his past service. Thereafter the applicant has filed another OA No. 391/99 which was dismissed by the Tribunal vide its order dated 24.9.1999. However, the applicant was again re-engaged in April, 2000 through employment exchange for manning the hot weather arrangement but on completion of hot weather work, he was disengaged from 16.7.2000. Thereafter the applicant has been again re-engaged from 21.7.2000 to 31.8.2000, and he was disengaged from 1.9.2000. Aggrieved by this, the applicant has filed the present O.A.

3. Heard the learned counsel for the parties.

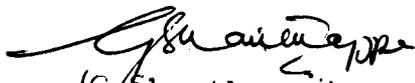
4. Learned counsel for the applicant has submitted that respondents have not engaged the applicant ^{after} terminating his

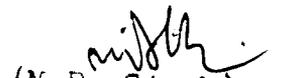
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service in the year 2000 though the seasonal work is available with them. On the other hand, the learned counsel for the respondents stated that as per the law laid down by the Hon'ble Supreme Court a daily wage employee cannot acquire the right for continuing in service.

5. We have carefully considered the rival contentions and we find that the applicant has been engaged by the respondents intermitantly since the year 1989 to 31.8.2000. In the circumstances, we direct the respondents to re-engage the applicant as and when there is availability of work in preference to his juniors and freshers and also keeping in view the weightage of his past service. Respondents are further directed to consider the case of applicant for regularisation as per rules subject to availability of vacancies.

6. With the above directions, the O.A. is disposed of. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

/na/

① S C Sharma, Advn.

Exec.

② M. Rao Advocate
Exec.

Issued.
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