

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 1295/2018

M.A. No. 1443/2018

M.A. No. 1444/2018

New Delhi, this the 3rd day of April, 2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

1. Narendra (Age about 36 years)
S/o Shri Satyapal,
Working as Casual Labour in the
Department of Archaeological Survey of India
In Delhi Circle
R/o Vill : Mahavatpur, P.O. Baoli,
Teh. : Baraut, Distt. Baghpat, U.P.
2. Rahul (Age about 21 years)
S/o Shri Satpal Singh,
Working as Casual Labour in the
Department of Archaeological Survey of India
In Delhi Circle
R/o B-247, Street No. 10,
Near Shanti Nursing Home,
Meet Nagar, Shahdara,
North East Delhi-110094.
3. Pradeep (Age about 33 years)
S/o Shri Man Singh,
Working as Casual Labour in the
Department of Archaeological Survey of India
In Delhi Circle
R/o H.No. 3222, G-1, Gali No.5,
Old Dharampur, Gandhi Nagar,
East Delhi-110031.
4. Praveen (Age about 32 years)
S/o Shri Rati Ram,
Working as Casual Labour in the
Department of Archaeological Survey of India
In Delhi Circle
R/o D-5/106, Street No.1, Near Usman Masjid,
New Usmanpur, Bhajanpura,
North East Delhi-110053.

5. Md. Sahil Saifi (Age about 22 years)
S/o Shri Liyaqat Ali,
Working as Casual Labour in the
Department of Archaeological Survey of India
In Delhi Circle
R/o H.No. B-83, 40 Feet Road,
Jagatpuri, East Delhi-110051.
6. Vikas Singh Meena (Age about 24 years)
S/o Shri Ulfat Singh Meena,
Working as Casual Labour in the
Department of Archaeological Survey of India
In Delhi Circle
R/o H.No. 881, Laxmi Nagar,
Sarojini Nagar, South West Delhi-110023.
7. Jitender (Age about 27 years)
S/o Shri Raj Kumar Shukla,
Working as Casual Labour in the
Department of Archaeological Survey of India
In Delhi Circle
R/o H.No. 117, Main Road Kadi Vihar,
Natthupura, North West Delhi-110036.
8. Nannu Lal Pated (Age about 42 years)
S/o Shri Gulli Prasad,
Working as Casual Labour in the
Department of Archaeological Survey of India
In Delhi Circle
R/o Vill. + P.O. Khaderi, Near Sidh Baba,
District : Damoh (M.P.) – 470673.
9. Ms. Sunita (Age about 39 years)
W/o Shri Subhash,
Working as Casual Labour in the
Department of Archaeological Survey of India
In Delhi Circle
R/o H.No. B-779, J.J. Colony,
Indrapuri, Central Delhi-110012.
10. Gajnandan (Age about 43 years)
S/o Shri Attal Singh,
Working as Casual Labour in the
Department of Archaeological Survey of India
In Delhi Circle

R/o H.No. B-23/1881, Laxmi Enclave,
Ram Park, Loni, Ghaziabad, U.P.

.. Applicants

(By Advocate: Shri A.K. Bhakt)

Versus

Union of India & Others
(Ministry of Culture) through :

1. The Secretary,
M/o Culture,
Shashtri Bhawan,
New Delhi.
2. Director General,
Archaeological Survey of India,
24, Tilak Marg,
New Delhi.
3. Superintending Archaeologist,
Archaeological Survey of India,
Delhi Circle, Puratatva Bhawan,
GPO Complex, D-Block,
3rd Floor, Ina, New Delhi.

.. Respondents

(By Advocate : Shri Rajinder Nischal)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Shri A.K. Bhakt, learned counsel for the applicants and Shri Rajinder Nischal, learned counsel appeared on behalf of the respondents on receipt of advance notice.

2. MA 1443/2018 filed for joining together is allowed.
3. MA 1444/2018 filed for seeking exemption is also allowed.

4. The applicants filed the O.A. seeking the following relief:

- “(I) To declare the action of the respondents by which the respondents are discontinuing the services of the applicants and started engaging freshers (new casual Labourers)/juniors/outourced employees; for the work which the applicant have been doing for a long time is illegal, unjust, arbitrary, malafide, unconstitutional particularly articles 14, 16 & 21 of the Constitution of India and against principle of natural justice.
- (II) To direct the respondents to consider the payment of arrears to the applicants at the rate of 1/30th of Minimum Pay Scale of Relevant CPC + DA and further extend the benefits of pay in the light of Order dated 26.10.2016 in Civil Appeal No. 213/2013 other group cases passed by Hon’ble Supreme Court of India and further make payment accordingly.
- (III) To direct the respondents to reinstate/re-engage the applicants with full back wages and all the consequential benefits due to arbitrary and illegal termination of services of the applicants despite availability of work because new fresh casual Labourers/juniors/Outsourcing employees have been engaged, for the work which the applicants have been doing.”

5. It is submitted that the applicants made number of representations including Annexure A/1 (Colly.) ventilating their grievances to the respondents. However, no orders have been passed thereon till date.

6. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the other merits of the case, by directing the respondents to consider Annexure A/1 (Colly.) representations of the applicants and to pass appropriate reasoned and speaking orders thereon, in accordance with law, within 30

days from the date of receipt of a copy of this order. In the meanwhile, the respondents engage the services of the applicants in the same capacity, if there is work, and in preference to their juniors. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Jyoti /