

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

OA NO.1601/2015

Order reserved on 05.12.2016
Order pronounced on 07.12.2016

HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J)

Shri Surinder Kumar (Aged 32 years),
Ex-Casual Worker,
S/o Shri Om Prakash,
R/o Village Bamnikheda,
Distt: Palwal,
Haryana -121105.

...Applicant

(By Advocate : Ms. Soumyasree Mishra)

VERSUS

Union of India through
Ministry of Micro, Small & Medium
Enterprises,
Udyog Bhawan, New Delhi.

...Respondent

(By Advocate: Mr. Acharya Santosh P. Chaurasia)

:ORDER:

This is the second round of litigation by the applicant. The earlier OA No.2666/2004, filed by the applicant along with seven others, was disposed of by this Tribunal on 15.04.2005 (vide Annexure-2) with the following order:

"This OA has been filed by 8 applicants who have stated that they were engaged on 03.10.2000, 18.07.2002, 01.09.2001, 05.09.2000, 04.09.2002, 01.02.2001, 01.07.2000 and 10.02.2002 respectively. They have all completed 240 days of service in two consecutive years yet their services were disengaged on 14.10.2004 without any prime reason. They have thus prayed that direction be issued to respondents to reinstate

the applicants forthwith by declaring that the termination order dated 14.10.2004 is void ab initio and further direction to the respondents to regularize their services in Group 'D' post or any other relief which this Tribunal deems fit and proper in the facts and circumstances of the case."

2. Respondents have filed their reply wherein they have stated that Ministry has no vacant post of Group-D and have no work for these casual labourers at present. Today when the matter was called out counsel for respondents made statement in court that as and when vacancy/work becomes available they would consider the applicants for reengaging. As on date since there is neither any vacant post of Group D nor any work for these casual labourers are available, therefore, the reliefs as prayed for by the applicants cannot be granted.

3. I have heard both the learned counsel and perused the pleadings as well. It is settled by now that in the absence of any post or work, no directions can be given by the Tribunal for reengagement of casual labour but in view of the fact that respondents counsel have themselves made statement in Court on instructions from his client that they would be willing to consider reengaging applicants as and when vacancy/work is available no further directions need to be given in this O.A. Therefore, this O.A. is disposed of in terms of statements given by the counsel for the respondents themselves. No order as to costs."

2. After more than six years was made by the applicant, a representation dated 22.06.2011 (Annexure-1), the last two paragraphs whereof read as under:

"3. The Ministry of Small Industries and ARI, being the Respondents in the above OA had stated that as and when vacancy/work becomes available they would consider the applicants for reengaging.

4. In view of the above, I humbly request you to kindly consider my application and engaging me against a vacant post of Group 'D' in your Ministry please which would help me in sustaining my family."

3. As the aforesaid representation evoked no response, the applicant has filed the instant OA after a lapse of about four years, seeking a direction to the respondent "to deal with his

representation dated 22.06.2011 and reengage him to any post of casual labour on daily wages”.

4. In its reply, the respondent has stated that it has not directly engaged any casual labourer since 14.10.2004, that it is not possible for it to accommodate the request of the applicant in view of the changed circumstances as Group 'D' posts were converted into Group 'C' posts (MTS), and that it has no role in recruitment of MTS, which is done by the SSC.

5. I have heard the learned counsel for the parties, perused the pleadings and given my thoughtful consideration to the matter.

6. I see substance in the aforesaid submission made on behalf of the respondent and find the OA, besides being hit by limitation, devoid of merits.

7. Therefore, the OA is dismissed. No order as to costs.

(DR BRAHM AVTAR AGRAWAL)
MEMBER (J)

/JK/