

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

O.A No. 4387/2018

This the 30th day of November, 2018

Hon'ble Mr. V. Ajay Kumar, Member (J)

Hon'ble Ms. Aradhana Johri, Member (A)

Chahat Ram, S/o. Sh. Phool Singh,
Aged 44 Years, Group 'D',
Vill – Mahmood Pur, PO – Ristal, Loni,
Distt. Ghaziabad.

....Applicant

(By Advocate : Mr. M. K. Gaur)

Versus

1. Union of India, through
The Secretary,
Ministry of Culture,
Shastri Bhawan, New Delhi.

2. The Director General,
Archeological Survey of India,
Janpath, New Delhi.

3. The Superintending Archeologist
Head of Office, Govt. of India,
Archeological Survey of India, Delhi Circle,
Puratatva Bhawan, GPO Complex, Block-D,
INA, New Delhi.

...Respondents

(By Advocate : Mr. S. N. Verma)

ORDER (ORAL)

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

Heard Mr. M. K. Gaur, learned counsel for applicant
and Mr. S. N. Verma, learned counsel for respondents on
receipt of advance notice.

2. It is submitted that the applicant had been working as a casual labourer under the respondents since 1993. However, the respondents all of a sudden terminated the services of the applicant with effect from March, 2018. Though the respondents are engaging junior/freshers but, not engaging the applicant though there the work is available.

3. Mr. S. N. Verma on the other hand, submits that no juniors or freshers to the applicant are being engaged and that there is no work at all to engage any casual labourer.

4. It is the settled principle of law that a casual worker cannot be replaced with another casual labourer if there is work.

5. In the circumstances, the O.A is disposed of without going into the merits of the case, however, by directing the respondents to engage the services of the applicant in the same capacity, with the same terms, whenever there is work and in preference to his juniors/freshers or outsourced employees. No costs.

(Aradhana Johri)
Member (A)

(V. Ajay Kumar)
Member (J)

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