

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A No. 999/2019

New Delhi, this the 28th day of March, 2019

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Mahadeb Sarkar,
S/o. Sh. Khogen Sarkar
Aged - 32 years/Group 'C',
R/o. H. No. 96, Gali No. 20, Churia Mohalla
Vill-Tugalakabad, New Delhi. ...Applicant

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

Versus

1. Union of India through the
The Secretary,
Ministry of Communication,
Sanchar Bhawan, New Delhi.
2. The Chief Post Master General,
Department of Posts,
Delhi Circle, Meghdoot Bhawan,
New Delhi.
3. The Sr. Superintendent of Post Offices,
South Division, Nehru Place, New Delhi.
4. The Head Post Master,
Post Office Kalkaji, New Delhi.
5. The Sub Post Master,
Sangam Vihar, New Delhi. ...Respondents

(By Advocate : Ms. Geetanjali Sharma)

ORDER (ORAL)

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

Heard learned counsel for applicant and Ms. Geetanjali Sharma, learned counsel for respondents on receipt of advance notice.

2. The applicant a Daily wage employee under the respondent no. 5 filed the O.A seeking the following reliefs:-

“(a) Directing the respondents to place the relevant record pertaining to the present O.A before Hon’ble Tribunal for the proper adjudication in the matter.

(b) Quash and setting aside the verbal termination order 08.05.2018 and allowing the juniors of the applicants to continue for the similar nature of works in such a manner is deliberate, biased, perverse, illegal, unjust, arbitrary, malafide, unconstitutional, against the principles of natural justice, violative of articles 14, 16 & 21 of the Constitution of India, against the mandatory provisions of law and discriminatory also; further

(c) Directing the respondents to consider and finalize the request of the applicant for reengagement as daily wager against juniors and outsiders subject to availability of work in accordance with the relevant rules and instructions on the subject more particularly the ‘Principles of last come first go’ with all consequential benefits.

(d) Allow the O.A of the applicant with costs.

(e) Any other fit and proper relief may also be granted to the applicant.”

(c) Pass such other direction or directions order or orders as this Hon’ble Tribunal may deem fit and proper to meet the ends of justice.”

3. Learned counsel for applicant submits that the respondents have disengaged the services of the applicant w.e.f. 08.05.2018 but continue to engage juniors of the applicant. It is further stated that since the applicant is being senior have to be engaged in preference to his juniors or freshers, if there is work.

4. Ms. Geetanjali Sharma, learned counsel appearing for respondents however disputes the said submission.

5. It is a settled principle of law that when the respondents are engaging a daily wage employee, if there is work, they should give preference to the seniors.

6. In the circumstances and since the main relief in the O.A itself is for engagement as a daily wager, if there is work and in preference to the juniors, the O.A is disposed of without going into merits of the case by directing the respondents to consider engaging the applicant as a Daily Wager on the same terms, if there is work and in preference to any of his juniors or freshers. No costs.

(A. K. Bishnoi)
Member (A)

(V. Ajay Kumar)
Member (J)

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