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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1469/2003~
M.A. NO.1275/2003
M.A. NO.1300/2003

This the 18th day of March, 2004

HON'BLE SHRI V. K. MAJOTRA, VICE CHAIRMAN (A)

1. Balwant Singh S/O Khazan Singh,
R/O 72 MC PWD, Vasant Vihar,
New Delhi.
2. Deepak Kumar S/O Mohinder Singh Sharma,
R/O 4-d Vasant Gaon,
New Delhi-110057.
3. Ravinder Kumar S/O Raghunath,
R/O D.A.Basti, R.K.Puram,
New Delhi.
4. Pawan Kumar Sharma S/O M.S.Sharma,
R/O X-348, Sarojini Nagar,
New Delhi-110023. Applicants

(By Shri S.K.Sinha, Advocate)

-versus-

The Registrar,
Custom, Excise & Gold Control
Appellate Tribunal,
West Block XI, R.K.Puram,
New Delhi. Respondent

(By Shri R.S.Paliwal for Shri V.D.Makhija, Advocate)

O R D E R (ORAL)

MA No.1275/2003 for consolidation is allowed.

Applicants had earlier approached this Tribunal through OA No.179/2002 which was decided on 8.3.2002 (Annexure A-4) with the following directions :

"4. Having regard to the submissions made by the learned counsel, I find that it will be just and proper to dispose of this OA at this very stage with a direction to the respondent to consider the claim of the applicants for engagement as casual workers in preference over freshers and juniors and also to consider their claim for grant of

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temporary status in due course on fulfilment of the prescribed conditions. Needless to say that when it comes to appointment as regular employees in group "D", the relevant Recruitment Rules will have to be followed without making any exception in respect of the applicants. I direct accordingly. The respondents are further directed not to insist on sponsorship from Employment Exchange while engaging the applicants in casual capacities.

5. The stay order stands vacated."

2. It is alleged that instead of engaging the applicants at New Delhi, the respondents resorted to appointment of casual employees through contractors. When the applicants filed a contempt petition against the respondents, during its pendency, the respondents issued appointment letters to the applicants on 18.11.2002 directing them to report at the Mumbai bench of CEGAT. Applicants reported at the Mumbai Bench at their own cost in expectation that their services would continue. However, after a service of 89 days, their services were terminated once again. Respondents have proceeded to appoint waterman etc. through contractors instead of engaging the applicants on casual assignments (Annexure A-9). Simultaneously, they have also initiated process of recruitment at Mumbai for appointment of 20 Group "D" staff in which the applicants are not being considered for appointment.

3. Admittedly, respondents have published a tender notice for housekeeping work in their Delhi office through contract employees (Annexure A-9). They have also initiated action for filling up four regular vacancies in Group "D" as per recruitment rules. The

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learned counsel of respondents has stated that while respondents have taken a policy decision to have the housekeeping work done through contractors, they have initiated the process of selection on regular basis to fill up the Group 'D' posts.

4. In view of the directions of this Tribunal made in order dated 8.3.2002 in OA No.179/2002, respondents could not have dis-engaged the applicants in the present fashion when they had reported for duty in Mumbai. They have to be continued in job as casual workers in preference over freshers and juniors and their claims for grant of temporary status and regular employment have also to be considered as per rules read with Tribunal's order dated 8.3.2002. Simple initiation of the process of regular recruitment in Group 'D' is no good ground for dispensing with the services of applicants. This is in clear violation of the directions of this Court.

5. In the light of the above discussion, the action of the respondents in terminating the services of the applicants is quashed and set aside and directions of this Tribunal's earlier order of 8.3.2002 are reiterated. Not only that the applicants shall be treated as casual workers in continuation of orders dated 10.3.2003 by which applicants- were re-engaged (Annexure A-10), they shall also be considered for appointment to the post of peon for which process of selection has been initiated, as stated above. No costs.

[Signature]

6. The OA is disposed of as above. MA
No.1300/2003 also stands disposed of.

V.K.Majotra

(V. K. Majotra)
Vice Chairman

/as/