

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.2745/2003  
MA 2398/2003

9

New Delhi this the 26th day of May, 2004

Hon'ble Shri Sarweshwar Jha, Member (A)

1. Shri Virender Kumar  
S/o Late Sh.Har Prasad,  
R/O H.No.44, Saket Block  
Mandawali Fazalpur, Delhi.
2. Shri Amar Singh,  
S/O Shri Masiya,  
R/O F-5/7, Janta Garden,  
Pandav Nagar, Delhi.
3. Shri Satbir Singh,  
S/O Shri Khasa Ram,  
R/O 44/10, P.O.Gandhi Nagar,  
Delhi.

..Applicants

(By Advocate Shri M.L.Chawla )

VERSUS

1. Union of India through  
Secretary to the Govt.of India,  
Ministry of Defence, Central  
Secretariat, South Block,  
New Delhi.
2. Joint Secretary & CAO (Trg.),  
Ministry of De fence, Govt. of India,  
South Block, Central Secretariat,  
New Delhi-11
3. Director of Administration,  
(Maintenance Section),  
Directorate of Naval Hdqrs.  
"A" Block Hutments, New Delhi-11

..Respondents

(By Advocate Shri Rajinder Nischal through  
proxy counsel Shri Ashish Nischal )

O R D E R (ORAL)

Heard the learned counsel for the parties.

2. At the very outset a reference has been made to the orders of this Tribunal in OA 259/2000 and OA 1227/2000 and also in OA 426/200, the relevant portions of which have been extracted on page 2 of the application.

*[Handwritten signature]*



Briefly, the direction as given by the Tribunal in the said OA was that the claim of the applicants for reengagement shall be considered in preference to juniors and outsiders.

3. Of the three applicants in this OA, applicant No.1, Shri Virender Kumar, is reported to have been reengaged by the respondents w.e.f. 12.2.2004 and the other two applicants are still awaiting reengagement. Learned counsel for the respondents has, however, maintained that the other two applicants will be reengaged as and when there is work for them. He has also submitted that no freshers have been engaged by the respondents (Integrated Headquarters of <sup>the</sup> Ministry of Defence ) on regular basis, as explained by them in Para 5.1 of the OA. Learned counsel for the applicant has, however, pointed out that there are discrepancies in what have been stated by the respondents in Para 5.1 and Para 1 of their reply. In Para 1 of their counter it appears, according to the learned counsel for the applicant, that the respondents have drawn line a between casual labourers engaged against temporary posts and those engaged on regular basis. His submission is that the applicants are in need of engagement and not necessarily enagement on regular basis. Acording to him, the directions of the Tribunal hereinabove envisaged reengagement of the applicants in the said OA. Respondents, therefore, would need to keep this aspect of the matter in view and will have to consider the case of the applicants in that light. During the course of arguments, the learned counsel for the applicants has also referred to some individuals having




been engaged by the respondents while applicants 2 and 3 are still awaiting reengagement. With this the learned counsel for the respondents has submitted that he would like to check the facts with the respondents before he could comment on this aspect, as the matter involves engagement of freshers.

4. Having regard to the facts and circumstances of the case and after having observed that the respondents have reengaged applicant No.1 and further that they would reengage the two other applicants as and when there is work available for them and also keeping in view the fact there is submission by the learned counsel for the applicants that some freshers have been engaged by the respondents in preference to the applicants, I am of the considered view that the ends of justice will be met if this OA is disposed of with a direction to the respondents that they consider reengaging the other two applicants as directed by this Tribunal in similarly placed cases and as referred to hereinabove if they have engaged fresh persons in preference to the applicants as claimed by the learned counsel for the applicant. Copies of the relevant orders have been made available to the learned counsel for the respondents to check the facts and take appropriate action in the matter. The respondents are directed further to ensure compliance of the order as given above within four weeks from the date of receipt of a copy of this order. If, on verification, it is found that the persons who are reported to have been engaged by the respondents in preference to the applicants are freshers they will ensure

12

reengaging the applicants with reference to the different dates on which the said persons are reported to have been engaged by the respondents.

5. With this, the OA stands disposed of. Accordingly, MA 2398/2003 also stands disposed of.

  
( Sarweshwer Jha )  
Member (A)

sk