
(2013) 05 DEL CK 0324

In the Delhi High Court

Case No : Writ Petition (C) 6057 of 2012

Dharmender and Another

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 20-05-2013

Acts Referred:

Citation : (2013) 05 DEL CK 0324

Hon'ble Judges : V. Kameswar Rao, J;Pradeep Nandrajog, J

Bench : Division Bench

Advocate : Sachin Chauhan, for the Appellant; Anuj Aggarwal, Advocate for R-1 Mr. Rajeev Sharma, Uddyam Mukherjee and Mr. Sahil Bhalaik, Advocates for R-2 and R-3, for the Respondent

Final Decision : Disposed Off

Judgement

V. Kameswar Rao, J.—The challenge in the present writ petition is to the orders dated March 27, 2012 in O.A. No. 934/2012 and July 19, 2012 in R.A. No. 222/2012, whereby the original application and the review petition filed by the petitioners were dismissed. The petitioners were engaged as casual labours in the Indian Institute of Mass Communication during the period May 17, 1999 till February 23, 2000. According to them, they were disengaged by verbal orders. They approached this Court in Writ Petition(Civil) No. 2996/2000, which got transferred to the Tribunal. The said petition was withdrawn by the petitioner with liberty to file a substantive application before the Tribunal. Accordingly they filed O.A. No. 22/2012. In terms of information received under R.T.I. they have come to know that the respondents have employed certain contractual employees during the period 1997-2011 without considering their engagement. The Tribunal vide its order dated January 04, 2012 called upon the respondents to pass a speaking order. The speaking order dated March 09, 2012, was passed by the respondent Nos. 2 & 3 wherein they justify the disengagement of the petitioners. A fresh O.A. No. 934/2012 was filed by the petitioners before the Tribunal challenging the speaking order dated March 09, 2012 and with a prayer

that the respondents may engage the petitioners as contractual employee in preference to those who were employed subsequent to their disengagement (juniors) and outsiders. The Tribunal rejected the O.A. relying upon the judgment of the Supreme Court reported as Secretary, State of Karnataka and Others Vs. Umadevi and Others, . The review petition filed by the petitioners also met the same fate, inasmuch as the Tribunal was of the view that the review is not the remedy for seeking correction of erroneous order.

2. The only submission made by Mr. Sachin Chauhan, Advocate appearing for the petitioners that the petitioner would be satisfied if they are engaged as contractual employees in preference to the contractual employees appointed subsequent to their disengagement and outsiders.

3. The respondents have taken a stand that the work as was being done by the petitioners has been outsourced. According to them except one compassionate appointee everyone has been disengaged.

4. After hearing the learned counsels for the parties, we are of the view that the prayer that has been made by the petitioners, being an innocuous one, the interest of justice demand that a direction be issued to the respondents to impress upon the contractor, who had been engaged for the work, to engage the petitioners in preference to outsiders. We do so accordingly. With this direction, we dispose of the writ petition and set aside the orders of the Tribunal dated March 27, 2012 in O.A. No. 934/2012 and July 19, 2012 in R.A. No. 222/2012 to the extent stated above. No costs.