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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 179/2002

New Delhi, this day the 9th March, 2002

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

1. Chhotelal (Safaiwala)
S/o Sh. Lokman,
R/o House No. 45,
Pocket -VIII, Durga Park
Nasirpur Road,
New Delhi-110045
2. Balwant Singh,
S/o Shri Khazan Singh,
R/o 72, MC PWD
Vasant Vihar,
New Delhi
3. Mr. Deepak Kumar,
S/o Shri Mohinder Singh Sharma,
R/o 4-D, Vasant Gaon,
New Delhi-110057
4. Mr. Ravinder Kumar,
S/o Sh. Raghunath,
R/o D.A. Basti,
R.K. Puram,
New Delhi
5. Mr. Pawan Kumar Sharma,
S/o Sh. M.S. Sharma,
R/o X-348, Sarojini Nagar,
New Delhi-110023

... Applicants

(By Advocate : Shri S.K. Sinha)

Versus

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

... Respondent

(By Advocate : Shri M.K. Gupta)

O R D E R (ORAL)

All the five applicants in the present O.A. have been working as casual labours in the Office of the Respondent for six months or so. Threatened by likely termination of service, they approached this Tribunal by filing the present OA. On 18.1.2002 they succeeded in

obtaining a status-quo order and have been surviving in casual employment by virtue of the aforesaid order.

2. The applicants submit that five regular vacancies in group 'D' are available against which their claims can be considered. They also submit that the respondents do need to hire workers on casual basis in view of the work involved in their set-up. The applicants also submit that if and when they succeed in ~~2 completing~~ 206 days' work on casual basis they should be considered for the grant of temporary status in accordance with the DOP&T's Scheme dated 10.9.1993.

3. The learned counsel appearing on behalf of the respondent submits that as on date none of the applicants have completed 206 days of casual employment and, therefore, none is eligible for conferment of temporary status. He also submits that the aforesaid five posts are likely to be transferred to Mumbai. For the present, according to him, there is no need for engaging casual workers. He undertakes, however, that as and when casual workers are engaged here at Delhi or at Mumbai, preference will be given to the applicants over freshers and juniors. Conferment of temporary status and regularisation in group 'D' posts will follow in due course on fulfilment of the requisite conditions and the formalities prescribed in the relevant Recruitment Rules.

Having regard to the submissions made by the learned counsel, I find that it will be just and proper

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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 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.



(S.A.T. RIZVI)
Member (A)

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