

X

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No.566/2002

This the 30th day of September, 2002

Hon'ble Shri V.K. Majotra, Member (A)

1. Raj Kishore,
S/o Shri Sone Lal
R/o Qr. No. 118, Block No.8,
G.Point, Type-I, Kalibari Marg,
New Delhi-1.
2. Naveen Kumar
s/o Sri Brahmaddutt Singh
r/o Vill. Sankhol, Bahadurgarh,
Distt.Jhajjar, Haryana.
3. Anand Kumar
s/o late Bhoriya
r/o 62/100, Quarters Delhi Gate,
Jawahar Lal Nehru Marg,
New Delhi.
4. Ashok Kumar Nayak,
s/o late Damodar Nayak,
r/o C-II/46, Tilak Lane,
New Delhi.
5. Papender
s/o Sri Jogi Ram,
r/o F-70, Yadav Nagar,
Bhola Nagar, Kotla Mubarakpur,
New Delhi.
6. Ram Dayal
s/o Sri Laloo Kashyap
r/o C-II/18 Bapa Nagar,
New Delhi-1.
7. Bharat Singh
s/o Sri Dharam Pal
r/o Vill/PO Bharp, Mahendergarh, Haryana.
8. Deen Dayal
s/o Sri Videya Ram,
r/o C-II/59, Sahajahan Road,
New Delhi.
9. Shri Krishan
s/o Sri Jagdish Chander,
r/o Ghevara House No.322,
New Delhi.
10. Rustme Hind
s/o Sri Zile Singh,
r/o Vill/PO Poot Khurd,
(Near Gopi Ka Bagh)
Delhi-39.

-Applicants

(Applicant No.1 present in person)

h

8

Versus

Union of India through
Secretary,
(Coordination & Public Grievances)
Cabinet Secretariat,
Rastapati Bhawan,
New Delhi.

-Respondent

(By Advocate: Shri R.N. Singh)

ORDER (Oral)

Applicants, 10 in number, have challenged inaction of respondent to confer temporary status on applicants in group 'D' post and also to regularise their services on such posts pursuant to the Government of India's Scheme of 1993. It is clear from the pleadings of the applicants that these applicants were appointed/engaged on daily wage basis between 19.4.95 and 6.4.98.

2. Learned counsel of the respondents stated that Department of Personnel and Training had formulated a scheme for grant of temporary status and regularisation of the services of casual labourers working in various departments of Government of India. This Scheme came into effect on 1.9.93. Relying on 2002 (4) SCALE/216 Union of India and another Vs. Mohan Pal, learned counsel stated that Hon'ble Supreme Court has held that the Scheme of 1.9.1993 is not an ongoing Scheme and that temporary status/regularisation of casual labourers cannot be effected in respect of the casual labourers who were engaged after 1.9.1993 in terms of the Scheme.

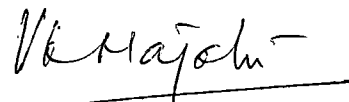
3. The relevant paragraph of the aforestated judgment reads as follows:-

"Clause 4 of the Scheme is very clear that the conferment of temporary status is to be given to the casual labourers who were in employment as on the date of commencement of the Scheme. Some of the Central Administrative Tribunals took the view that this is an ongoing Scheme and as and when casual labourers complete 240 days of work in a year or 206 days (in case of offices observing 5 days a week), they are

h

entitled to get temporary status. We do not think that clause 4 of the Scheme envisages it as an ongoing Scheme. In order to acquire temporary status, the casual labourer should have been in employment as on the date of commencement of the Scheme and he should have also rendered a continuous service of at least one year which means that he should have been engaged for a period of at least 240 days in a year or 206 days in case of offices observing 5 days a week. From clause 4 of the Scheme, it does not appear to be a general guideline to be applied for the purpose of giving temporary status to all the casual workers, as and when they complete one year's continuous service. Of course, it is up to the Union Government to formulate any scheme as and when it is found necessary that the casual labourers are to be given temporary status and later they are to be absorbed in Group 'D' posts".

4. In the light of the ratio in the case of Mohan Pal (supra), services of applicants who were engaged as casual labourers after 1.9.1993 cannot be accorded temporary status or regularised in terms of the Scheme of 1.9.1993. Accordingly, this OA is dismissed. No costs.



(V.K. Majotra)
Member (A)

cc.