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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1238/2002

This the 5/12 day of December, 2002.

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

Smt. Promila Devi W/O Late Faqir Chand,
R/O RZ-434A, Gali No.11 (30 ft. wide Road),
Kailashpuri West, Palam Colony,
New Delhi-110045.

... Applicant

(None present)

-versus-

1. Union of India through
Secretary, Ministry of Labour,
Shram Shakti Bhawan,
Rafi Marg, New Delhi-110001.

2. Shri Alok Aggarwal,
Under Secretary to Govt. of India,
Ministry of Labour,
Shram Shakti Bhawan, Rafi Marg,
New Delhi-110001.

... Respondents

(By Ms. Pratibha for Ms. Pratima K. Gupta, Advocate)

O R D E R

As none had appeared on behalf of applicant despite the revised call on 25.11.2002 when this OA was taken up for final hearing, I proceeded to hear the case in terms of rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987. I have considered the respective pleadings of the parties, material on record and heard the arguments of the learned proxy counsel for Mrs. Pratima K. Gupta, learned counsel for respondents.

2. Earlier on, applicant had filed OA No.1655/2000 seeking reengagement and/or some other appropriate orders. That OA was disposed of vide order dated 30.8.2001. Respondents were directed to consider

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applicant's case for granting temporary status. It was also directed that if during the pendency of consideration of her case for temporary status any work was available, she should be reengaged. Respondents have rejected applicant's case for grant of temporary status vide Annexure A-1 dated 13.11.2001 stating that applicant was neither a casual worker on 10.9.1993 nor had she completed 206 days during the previous year. Applicant is aggrieved by the aforesated orders and has challenged them through this OA.

3. It has been stated by applicant that she was engaged as casual labour by respondents in July-August, 1986. She continued in service till 25.7.1991 without any break and had completed more than 206 days in a year. It has been further stated by applicant that the impugned order is a non-speaking order.

4. On the other hand, the learned proxy counsel appearing on behalf of respondents stated that applicant did not work continuously during 1986-91 and had not completed 206 days in any calendar year. However, she worked for short spells as casual worker during 1986, 1987, 1989 and 1990. She further stated that applicant was not working as casual labour on the crucial date, i.e., 10.9.1993 when the scheme titled Casual Labour (Grant of Temporary Status and Regularisation) Scheme of the Government of India, 1993, was issued. As per this scheme, temporary status has to be conferred on such casual labourer who were in employment on the date of issue of the Scheme and had rendered continuous service

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of at least one year which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing five-day week). Respondents have produced copies of the related record. Although the attendance record for the related period is stated to have been destroyed, on the basis of the other documents, it is established that applicant was not engaged as casual labour for 206 days in any calendar year prior to 10.9.1993 when the said scheme was promulgated. The ratio of **Union of India & Anr. v. Mohan Pal, etc.**, 2002 (4) SCALE 216 is clearly applicable to the facts of the present case. It has been observed therein that the concerned daily-wage worker should not only put in 240 days of work in a year (206 days for offices observing five-day week) but should actually be in service on the date of issuance of the circular. The scheme was not held to be an ongoing scheme. As applicant was not actually in service on 10.9.1993 when the said scheme was issued and as she had not been engaged for a period of 206 days in any calendar year prior to 10.9.1993, there is no merit in the claim of applicant.

5. As such, the OA is dismissed. No costs.

V. K. Majotra
(V. K. Majotra)
Member (A)

/as/