

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 3158/2002

This the 3rd day of December, 2002

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

Tinku Pal  
R/o H-320, Shahpur Jat  
New Delhi.

(By Advocate: Shri M.K. Bhardwaj) -Applicant

Versus

Union of India & Ors through

1. The Secretary

Ministry of Personnel & P.G. & Pensions  
(Department of Personnel & Trg)  
North Block  
New Delhi.

2. The Under Secretary

Ministry of Personnel & P.G. & Pensions  
(Department of Personnel & Trg)  
North Block,  
New Delhi.

3. The Section Officer

Ministry of Personnel & P.G. & Pensions  
(Department of Personnel & Trg)  
North Block  
New Delhi.

-Respondents

ORDER (Oral)

Learned counsel heard.

2. Applicant is aggrieved by Annexure A-1 issued by the respondents on 18.11.2002 rejecting the representation of the applicant regarding claim for regularisation and other benefits. Learned counsel stated that the applicant had been initially appointed as casual labourer in April 1999 and that he had been working as such with the respondents till December 2001. He had earlier filed OA namely, 665/2002 which was decided on 24.9.2002 with a direction to the respondents that applicant shall make a consolidated representation within two weeks

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to the respondents department invoking the scheme of 1988. Application shall be decided by the respondents within a period of 2 months from the date of receipt of a copy of this order. Till the disposal of the representation, the service of the applicant shall not be dispensed with, if the work of the nature which the applicant is performing continues to be available with the respondents." The impugned order has been passed by the respondents in pursuance of the above directions of the court.

3. Learned counsel contended that whereas the respondents should have considered applicant's claim for regularisation of his services in accordance with the provisions of DOPT Scheme dated 7.6.1988, the respondents have rejected his claim in terms of the later Scheme of DOPT namely, the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993, hereinafter referred to as "1993 Scheme". Learned counsel stated that applicant's claim should be considered in terms of the Scheme of 1988 and not in terms of 1993 Scheme.

4. The 1993 Scheme provides for grant of temporary status to the casual labourers and their subsequent regularisation in Group "D" posts. The scheme, inter-alia, stipulates the following conditions:-

"a) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of the OM (namely: 10.9.93);

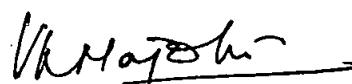
b) They should have rendered a continuous service of at least one year, which means that they must have

been engaged for a period of at least 240 days (206 days in the case of offices observing five days week);

c) Two out of every three vacancies in Group "D" cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status".

5. After the commencement of 1993 Scheme, regularisation of casual labourers can be made only with reference to the provisions contained in 1993 Scheme. Applicant was admittedly engaged in April, 1999 and was not in employment on 10.9.93. He is not eligible for grant of temporary status or regularisation against a Group "D" post in terms of 1993 Scheme. 1993 Scheme was not held as an on going Scheme in Union of India and another Vs. Mohan Pal etc. 2002 (4) SCALE 216 and as such the applicant could not have been accorded any benefit under the provisions of 1993 Scheme. The Scheme of 1988 is a set of guidelines issued by the Government regarding engagement of casual workers and 1993 Scheme has an effect of supersession of the Scheme of 1988 in the matter of grant of temporary status and regularisation of casual labourers.

Having regard to the above discussion, applicant's claim must fail and as such OA is dismissed in limine.

  
(V.K. Majotra)  
Member (A)

CC..