

CENTRAL ADMINISTRATIVE TRIBUNAL. PRINCIPAL BENCH

OA No.1327/2001

New Delhi, this 11th day of December, 2001

Hon'ble Shri M.P. Singh, Member(A)

Pardeep Kumar

H.No.705/D, Ward No.3

Mehrauli, New Delhi

.. Applicant

(By Shri V.S.R. Krishna, Advocate)

versus

Union of India, through

1. Secretary

Ministry of Labour

Shram Shakthi Bhawan, New Delhi

2. Member Secretary

National Commission of Labour

30-31, Institutional Area

Janakpuri, New Delhi

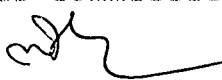
.. Respondents

(By Shri R.P. Aggarwal, Advocate)

ORDER(oral)

The applicant by filing this OA under section 19 of Administrative Tribunals Act, 1985 has sought relief by praying for direction to the respondents to quash the oral order of termination and also to regularise his service in Group D post or alternatively respondents be directed to confer temporary status on him since he has completed the requisite engagement in accordance with DoPT's OM on the subject.


2. Brief facts of the case, as stated by the applicant, are that he was appointed as ad hoc Peon in Wage Boards for working Journalists and non-journalist Newspapers and News Agency (WB, for short) w.e.f. 20.11.96 and his services were continued from time to time till 31.8.2000 when the WB had to be wound up. After the winding up of WB, respondents transferred the applicant to work as ad hoc Peon in National Commission of Labour (NCL, for



short) w.e.f. 1.9.2000 for a period of 89 days and thereafter his services have not been extended. Aggrieved by this, applicant has filed this OA seeking the aforesaid reliefs.

3. Respondents in their reply have stated that the applicant was appointed as ad hoc Peon in WB for a period of three months. His term was extended from time to time. After winding up of WB, applicant was appointed as Peon on ad hoc basis in NCL vide order dated 7.9.2000. According to the respondents, there are ten sanctioned posts of Peon and in order to fill up these posts on deputation basis like other sanctioned posts, circulars were issued inviting applications. One post of Peon was diverted to the Personal Staff of the Hon'ble Chairman on co-terminus basis. Of the remaining nine posts, only three could be filled up on deputation basis and three on compassionate grounds. They have given advertisement in the Employment News as well as placed requisition on Employment Exchange. A large number of applications, including that of the applicant, was received. Since the work in NCL is smoothly managed with existing 6 posts of Peon, no person from Employment Exchange has been selected against the vacant posts. The possibility of adjusting the applicant in any of the office under the Ministry was considered but he could not be adjusted due to non-availability of vacancy. In view of these submissions, the OA is liable to be dismissed.

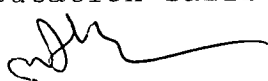
4. Heard both the learned counsel for the rival contesting parties and perused the records.



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5. During the course of the arguments, the learned counsel for the applicant has submitted that though the applicant has been appointed as ad hoc Peon but his appointment is not different from that of casual labour as the same procedure was followed when he was appointed as Peon as is followed in the case of casual labour. He also submitted that work is still available with the respondents and the applicant could be re-engaged in the same post. He drew our attention to the letter dated 22.11.2000 (Annexure A-6) written by the Admn. Officer, NCL to the Min. of Labour stating that the tenure of the applicant for 89 days expires on 7.12.000 and keeping in view his satisfactory service, it may be considered whether his services may be extended further till regular arrangements are made. He also submitted that the Scheme of 1993 for engagement of casual labour and grant of temporary status issued by DoPT is also applicable in the case of applicant and since he has completed more than 240 days, he may be considered for grant of temporary status.

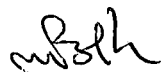
6. On the other hand, the learned counsel for respondents stated that applicant was appointed as ad hoc Peon on regular pay scale in WB. After the WB was wound up applicant was considered for appointment on ad hoc basis in NCL. He also submitted that applicant was not engaged as casual labour but was appointed as Peon on ad hoc basis for a specific period. NCL is not a permanent organisation and it would cease to function from 15.2.2002. He also submitted that three persons who have been appointed on compassionate ground would be adjusted in the Ministry and the other three persons appointed on deputation basis would be repatriated to



their parent department. According to him, there is no work available in the Ministry, against which the applicant could be re-engaged.

7. From the records available before me, I find that the applicant was appointed through Employment Exchange as Peon on ad hoc basis which was extended from time to time. Procedure to be adopted for appointment of Peon on ad hoc basis is no different from that of engagement of casual labour. Therefore the scheme of 1993 framed by DoPt is equally applicable in the case of applicant. I also find from the letter dated 22.11.2000 (supra) that work is still available with the respondents. In this view of the matter, I allow the OA and direct the respondents to consider re-engagement of the applicant forthwith and consider grant of temporary status keeping in view the fact that he has completed more than 240 days, in accordance with the scheme of 1993. Applicant may also be considered for regularisation in his turn against a Group D post in accordance with the instructions issued by the Govt. from time to time on the subject.

8. OA is disposed of on the above lines. No costs.


(M.P. Singh)
Member(A)

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